SENATE JOURNAL
66TH LEGISLATURE
FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 7, 2019 — State Capitol

Senate convened at 12:01 p.m. Senator Fred Thomas, Dean of the Senate, Presiding.

Without objection, Senator Thomas appointed Carl Spencer as temporary Sergeant-at-Arms, and announced that the President invited Mike Frymier, Senior Pastor at the Calvary Baptist Church in Bozeman, MT, to deliver the invocation.

Posting of colors by the Honor Guard from the U.S. Army Reserve located at Fort Harrison, Montana. Pledge of Allegiance to the Flag.

Invocation by Pastor Frymier.

Without objection, Senator Thomas appointed Marilyn Miller of Helena as temporary Secretary of the Senate. Secretary Miller called the roll of the newly-elected Senators:

Senate District 1- Mike Cuffe
Senate District 4 - Mark Blasdel
Senate District 5 - Bob Keenan
Senate District 8 - Susan Webber
Senate District 9 - Bruce Gillespie
Senate District 11 - Tom Jacobson
Senate District 12 - Carlie Boland
Senate District 13 - Brian Hoven
Senate District 14 - Russ Tempel
Senate District 19 - Kenneth Bogner
Senate District 20 - Duane Ankney
Senate District 22 - Doug Kary
Senate District 24 - Mary McNally
Senate District 27 - Cary Smith
Senate District 29 - David Howard
Senate District 30 - John Esp
Senate District 32 - Pat Flowers
Senate District 33 - Jennifer (JP) Pomnichowski
Senate District 34 - Gordon (Gordy) Vance
Senate District 41 - Janet Ellis
Senate District 42 - Jill Cohenour
Senate District 43 - Jason Ellsworth
Senate District 48 - Nate McConnell
Senate District 49 - Diane Sands
Senate District 50 - Bryce Bennett

Sergeant-at-Arms Spencer admitted the Honorable Laurie McKinnon, Justice of the Montana Supreme Court, to the Senate chamber. Justice McKinnon administered the oath of office to the newly-elected Senators and was then escorted from the chamber by Sergeant-at-Arms Spencer.

Secretary Miller called the roll of the entire Senate by district. Fifty members present. Quorum present.

Senator Blasdel moved the Rules of the Senate and the Joint Rules as reflected in **SR1** and **SJ1**, printed and placed on the members' desks this day, be adopted as the temporary operating rules of the 66th Legislature. Motion carried.

Senator Thomas opened nominations for the office of President of the Montana Senate.

Senator Sands nominated Senator Scott Sales of Senate District 35 for the office of President of the Senate for the 66th Legislature, and moved that the election carry with it the name of Senator Mark Blasdel of Senate District 4 for the office of President Pro Tempore.

Senator Sesso moved the nominations be closed and that Senator Sales be elected President of the Senate by acclimation. Motion carried.

Majority Leader Thomas and Minority Leader Sesso presented a gavel to President Sales reflecting his two successive sessions as President of the Montana Senate.

President Sales assumed the chair and addressed the Senate. President Sales then introduced Senator Jon Sesso, Minority Leader, and Senator Fred Thomas, Majority Leader. Each Senator addressed opening remarks to the Senate.

REPORTS OF STANDING COMMITTEES

COMMITTEE ON COMMITTEES (Brown, Chair): 1/7/2019
Secretary Miller read the report from the Committee on Committees recommending the following committee appointments:

Agriculture, Livestock and Irrigation
Tu, Th; 3 p.m.; Rm 335
Hoven, Brian (R) - CH
Lang, Mike (R) - VCh
Smith, Frank (D) - VCh
Bogner, Kenneth (R)
Ellis, Janet(D)
Gillespie, Bruce (R)
MacDonald, Margie (D)
Olszewski, Albert (R)
Osmundson, Ryan (R)

Salomon, Daniel (R)
Webber, Susan (D)

Business, Labor, and Economic Affairs
M-F; 8 a.m.; Rm 422
Fitzpatrick, Steve (R) - Ch
Brown, Dee (R) - VCh
Malek, Sue (D) - VCh
Boland, Carlie (D)
Ellsworth, Jason (R)
Gauthier, Terry (R)
Small, Jason (R)
Smith, Frank (D)
Vance, Gordon (R)
Vuckovich, Gene (D)

Committee on Committees
On call
Brown, Dee (R) - CH
Howard, David (R)
Osmundson, Ryan (R)
Smith, Cary (R)
Vance, Gordon (R)
Welborn, Jeffrey (R)

Education and Cultural Resources
M, W, F; 3p.m.; Rm 422
Salomon, Daniel (R) - Ch
Regier, Keith (R)- VCh
McClafferty, Edie (D) - VCh
Blasdel, Mark (R)
Bogner, Kenneth (R)
Boland, Carlie (D)
Tempel, Russel (R)
Webber, Susan (D)

Energy and Telecommunications
Tu, Th; 3p.m.; Rm 317
Ankney, Duane (R) - Ch
Small, Jason (R) - VCh
McNally, Mary (D) - VCh
Barrett, Dick (D)
Cuffe, Mike (R)
Gauthier, Terry (R)
Kary, Doug (R)

Malek, Sue (D)
Phillips, Mike (D)
Regier, Keith (R)
Richmond, Tom (R)
Tempel, Russel (R)
Vuckovich, Gene (D)

Ethics
On call
Regier, Keith (R) - Ch
Howard, David (R) - VCh
Cohenour, Jill (D)
Pomnichowski, JP (D)

Finance & Claims
M-F; 8a.m.; Rm 317
Osmundson, Ryan (R) - Ch
Smith, Cary (R) - VCh
Sesso, Jon (D) - VCh
Ankney, Duane (R)
Bogner, Kenneth (R)
Cuffe, Mike (R)
Ellis, Janet (D)
Flowers, Pat (D)
Howard, David (R)
Jacobson, Tom (D)
Kary, Doug (R)
Keenan, Bob (R)
Lang, Mike (R)
McConnell, Nate (D)
McNally, Mary (D)
Olszewski, Albert (R)
Salomon, Dan (R)
Webber, Susan (D)
Welborn, Jeffrey (R)

Fish and Game
Tu, Th; 3p.m.; Rm 422
Fielder, Jennifer (R) - Ch
Hinebauch, Steve (R) - VCh
Cohenour, Jill (D) - VCh
Ellsworth, Jason (R)
Flowers, Pat (D)
Howard, David (R)
Jacobson, Tom (D)

Lang, Mike (R)
McClafferty, Edie (D)
Smith, Cary (R)

Highways and Transportation
Tu, Th; 3p.m.; Rm 405
Vance, Gordon (R) - Ch
Fitzpatrick, Steve (R) - VCh
Boland, Carlie (D) -VCh
Bennett, Bryce (D)
Brown, Dee (R)
Esp, John(R)
Gross, Jen (D)
Sands, Diane (D)
Webb, Roger (R)
Welborn, Jeff (R)

Judiciary
M-F; 9a.m.; Rm 303
Regier, Keith (R) - Ch
Fielder, Jennifer (R) - VCh
Sands, Diane (D) -VCh
Bennett, Bryce (D)
Esp, John (R)
Gross, Jen (D)
Hinebauch, Steve (R)
MacDonald, Margaret (Margie) (D)
Sales, Scott (R)
Vance, Gordy (R)

Legislative Administration
On call
Keenan, Bob (R) - Ch
Brown, Dee (R) - VCh
Sands, Diane (D) - VCh
Gross, Jen (D)
Lang, Mike (R)

Local Government
M, W, F; 3p.m.; Rm 405
Lang, Mike (R) - Ch
Gauthier, Terry (R) - VCh
Vuckovich, Gene (D) - VCh
Ellsworth, Jason (R)
Fielder, Jennifer (R)

Fitzpatrick, Steve (R)
MacDonald, Margie (D)
McConnell, Nate (D)
Sesso, Jon (D)
Webb, Roger (R)

Natural Resources
M, W, F; 3 p.m.; Rm 303
Welborn, Jeffrey (R) - Ch
Richmond, Tom (R) - VCh
Pomnichowski, JP (D)- VCh
Ankney, Duane (R)
Barrett, Dick (D)
Cohenour, Jill (D)
Esp, John (R)
Flowers, Pat (D)
Gillespie, Bruce (R)
Hoven, Brian (R)
Jacobson, Tom (D)
Sales, Scott (R)

Public Health, Welfare and Safety
M, W, F; 3 p.m.; Rm 317
Howard, David (R) - Ch
Smith, Cary (R) - VCh
Gross, Jen (D) - VCh
Hinebauch, Steve (R)
Keenan, Bob (R)
Malek, Sue (D)
McNally, Mary (D)
Olszewski, Albert (R)
Sands, Diane (D)
Small, Jason (R)

Rules
On call
Thomas, Fred (R) - Ch
Blasdel, Mark (R)- VCh
Sesso, Jon (D) - VCh
Barrett, Dick (D)
Bennett, Bryce (D)
Fitzpatrick, Steve (R)
Kary, Doug (R)
Keenan, Bob (R)
MacDonald, Margie (D)

McConnell, Nate (R)
Olszewski, Albert (R)
Phillips, Mike (D)
Sales, Scott (R)
Smith, Cary (R)
Webb, Roger (R)

State Administration
M, W, F; 3p.m.; Rm 335
Brown, Dee (R)- Ch
Kary, Doug (R) - VCh
Bennett, Bryce (D) - VCh
Cuffe, Mike (R)
Ellis, Janet (D)
Osmundson, Ryan (R)
Smith, Frank (D)
Vance, Gordon (R)

Taxation
M-F; 8a.m.; Rm 405
Webb, Roger (R)- Ch
Hoven, Brian (R)- VCh
Barrett, Dick (D) - VCh
Blasdel, Mark (R)
Cohenour, Jill (D)
Gillespie, Bruce (R)
McClafferty, Edie (D)
Phillips, Mike (D)
Pomnichowski, JP (D)
Richmond, Tom (R)
Tempel, Russel (R)
Thomas, Fred (R)

Senator Brown moved the adoption of the committee report. Motion carried.

LEGISLATIVE ADMINISTRATION (Keenan, Chair): 1/7/2019
Secretary Miller read the report from the Legislative Administration Committee recommending the following staff appointments:

SENATE STAFF ~ 2019

SECRETARY OF THE SENATE

Marilyn Miller	Secretary of the Senate
Debra Polhemus	Deputy Secretary of the Senate
Nadine Spencer	Deputy Secretary of the Senate
Katie Spencer	Secretary to Sec. of the Senate
Tara Boulanger	Secretary to Sec. of the Senate
Shelley Vance	Secretary to the President
Tom McGillvray	Assistant to the President

SERGEANT'S OFFICE

Carl Spencer	Sergeant at Arms
Ray Todd	Ass't Sgt at Arms - Security
Bonner Armstrong	Ass't Sgt at Arms - Supplies
David Zellmer	Safety & Facilities Aide
Caleb Hinkle	Safety & Facilities Aide
Pat Hamilton	Safety & Facilities Aide
Brent Webber	Safety & Facilities Aide (part time)
Jean Johnson	Page Supervisor

MAJORITY OFFICE

Casey Collins	Majority Leadership Aide
Abra Belke	Majority Leadership Aide
Ian Sibbert	Majority Leadership Aide
tba	Majority Leadership Aide

MINORITY OFFICE

Liz Albers	Minority Leadership Aide
Emily Harris	Minority Leadership Aide
Blake Thompson	Minority Leadership Aide
Samuel Fossum	Minority Leadership Aide

ROSTRUM

Leanne Kurtz	Amendments Coordinator
John Linné	Bills Distributor

Lynn Staley	Bills Coordinator
Carolyn Renaud	Bills Clerk
Victor Bjornberg	Voting Clerk
Karen Berger	Journal Clerk
Rick Berger	Status Input Technician
Brent Webber	Reading Clerk

SCANNING/DOCUMENTS

Susie Hamilton	Documents Specialist

WORD PROCESSING

Shirley Herrin	Word Processing Supervisor

COMMITTEE SECRETARIES

Prudence Gildroy	Finance & Claims
Linda Keim	Business & Labor
Noah Horan	Judiciary/Highways & Transp.
Jacelyn Stewart	State Admin/Energy
Jack Racicot	Agriculture/Local Gov't
Julie Emge	Public Health
Mary Vandenbosch	Fish & Game/Nat'l Resources
Charlene Devine	Tax/Education

COMMITTEE AIDES

Bobby Lavinder	Committee Aide
Dave McCann	Committee Aide
Martha Gonzalez	Committee Aide
Sally Speer	Committee Aide

Senator Keenan moved the adoption of the committee report. The motion carried.

SPECIAL ORDERS OF THE DAY

Majority Leader Thomas moved that the President's appointment of Marilyn Miller, as Secretary of the Senate, and Carl Spencer, as Sergeant-at-Arms, be confirmed by the Senate. Motion carried.

Majority Leader Thomas moved the President appoint a select committee to notify His Excellency, the Governor, that the Senate is organized and ready for business. Motion carried. The President appointed Senator Brown, Chair, and Senators Ellsworth, MacDonald, and McClafferty.

Majority Leader Thomas moved the President appoint a select committee to notify the Chief Justice and members of the Supreme Court that the Senate is organized and ready for business. Motion carried. The President appointed Senator Regier, Chair, and Senators Fielder, Sands and Gross.

Majority Leader Thomas moved the President appoint a select committee to nofity the House of Representatives that the Senate is organized and ready for business and that the Senate wishes the House success in its deliberations. Motion carried. The President appointed Senator Howard, Chair, and Senators Cohenour, Phillips, and Welborn.

President Sales instructed the select committees to retire to perform their assigned duties. Majority Leader Thomas moved the Senate stand at ease, subject to the call of the Chair, to await the reports of the select committees. Motion carried.

Following a brief recess, President Sales called the Senate back to order.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 1, introduced by S. Malek (by request of the State Administration and Veterans' Affairs Interim Committee), referred to Business, Labor, and Economic Affairs.
SB 2, introduced by M. MacDonald (by request of the Local Government Interim Committee), referred to State Administration.
SB 3, introduced by J. Gross (by request of the Law and Justice Interim Committee), referred to Judiciary.
SB 4, introduced by A. Olszewski (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 5, introduced by D. Sands (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 6, introduced by E. McClafferty (by request of the Education Interim Committee), referred to Education and Cultural Resources.
SB 7, introduced by A. Olszewski (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
SB 8, introduced by K. Regier, referred to Education and Cultural Resources.
SB 9, introduced by D. Salomon (by request of the Education Interim Committee), referred to Education and Cultural Resources.
SB 10, introduced by D. Salomon (by request of the Education Interim Committee), referred to Education and Cultural Resources.
SB 11, introduced by D. Salomon (by request of the Education Interim Committee), referred to Education and Cultural Resources.
SB 12, introduced by D. Salomon (by request of the Education Interim Committee), referred to Education and Cultural Resources.
SB 13, introduced by J. Gross (by request of the State-Tribal Relations Committee), referred to

Business, Labor, and Economic Affairs.
SB 14, introduced by D. Brown (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
SB 15, introduced by C. Boland (by request of the Local Government Interim Committee), referred to Business, Labor, and Economic Affairs.
SB 16, introduced by D. Salomon (by request of the Education Interim Committee), referred to Education and Cultural Resources.
SB 17, introduced by M. MacDonald (by request of the Local Government Interim Committee), referred to Local Government.
SB 18, introduced by M. MacDonald (by request of the Local Government Interim Committee), referred to Taxation.
SB 19, introduced by R. Webb (by request of the Local Government Interim Committee), referred to Judiciary.
SB 20, introduced by R. Webb (by request of the Local Government Interim Committee), referred to Local Government.
SB 21, introduced by R. Webb, referred to Judiciary.
SB 22, introduced by R. Webb, referred to Judiciary.
SB 23, introduced by K. Regier, referred to Public Health, Welfare and Safety.
SB 25, introduced by M. Blasdel (by request of the Department of Justice), referred to Business, Labor, and Economic Affairs.
SB 26, introduced by S. Fitzpatrick (by request of the Supreme Court), referred to Judiciary.
SB 27, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 28, introduced by T. Richmond, referred to Taxation.
SB 29, introduced by F. Thomas (by request of the Local Government Interim Committee), referred to Local Government.
SB 30, introduced by J. Gross (by request of the State-Tribal Relations Committee), referred to Public Health, Welfare and Safety.
SB 31, introduced by J. Small (by request of the State-Tribal Relations Committee), referred to Business, Labor, and Economic Affairs.
SB 32, introduced by J. Sesso (by request of the Water Policy Interim Committee), referred to Natural Resources.
SB 33, introduced by T. Richmond, D. Kary, referred to Local Government.
SB 34, introduced by P. Flowers (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
SB 35, introduced by F. Thomas, referred to Education and Cultural Resources.
SB 36, introduced by M. MacDonald (by request of the Department of Corrections), referred to Judiciary.
SB 37, introduced by M. MacDonald (by request of the Department of Corrections), referred to Judiciary.
SB 38, introduced by M. MacDonald (by request of the Local Government Interim Committee), referred to Public Health, Welfare and Safety.
SB 39, introduced by S. Fitzpatrick (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
SB 40, introduced by F. Smith (by request of the State-Tribal Relations Committee), referred to Education and Cultural Resources.

SB 41, introduced by T. Richmond (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
SB 42, introduced by J. Cohenour (by request of the Department of Revenue), referred to Taxation.
SB 43, introduced by M. MacDonald (by request of the State Public Defender), referred to Judiciary.
SB 44, introduced by J. Cohenour (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 45, introduced by J. Cohenour (by request of the Water Policy Interim Committee), referred to Natural Resources.
SB 46, introduced by J. Cohenour (by request of the Water Policy Interim Committee), referred to Natural Resources.
SB 47, introduced by J. Cohenour (by request of the Water Policy Interim Committee), referred to Natural Resources.
SB 48, introduced by T. Richmond (by request of the Department of Environmental Quality), referred to Natural Resources.
SB 49, introduced by J. Cohenour (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
SB 50, introduced by E. McClafferty (by request of the Education Interim Committee), referred to Education and Cultural Resources.
SB 51, introduced by D. Barrett (by request of the Department of Transportation), referred to Highways and Transportation.
SB 52, introduced by D. Sands (by request of the Department of Justice), referred to Judiciary.
SB 53, introduced by J. Sesso (by request of the Legislative Council), referred to State Administration.
SB 54, introduced by F. Thomas (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
SB 55, introduced by D. Salomon (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
SB 56, introduced by J. Ellis (by request of the Department of Livestock), referred to Agriculture, Livestock and Irrigation.
SB 57, introduced by J. Ellis (by request of the Department of Livestock), referred to Agriculture, Livestock and Irrigation.
SB 58, introduced by D. Salomon (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
SB 59, introduced by E. McClafferty (by request of the Board of Occupational Therapy Practice), referred to Public Health, Welfare and Safety.
SB 60, introduced by D. Salomon (by request of the Education Interim Committee), referred to Education and Cultural Resources.
SB 61, introduced by M. MacDonald (by request of the Board of Pharmacy), referred to Public Health, Welfare and Safety.
SB 62, introduced by D. Sands (by request of the Department of Corrections), referred to Judiciary.
SB 63, introduced by D. Sands (by request of the Board of Funeral Service), referred to Business, Labor, and Economic Affairs.

SB 64, introduced by D. Sands (by request of the Department of Public Health and Human Services), referred to Judiciary.
SB 65, introduced by K. Regier (by request of the Department of Justice), referred to Judiciary.
SB 66, introduced by T. Richmond (by request of the Department of Environmental Quality), referred to Natural Resources.
SB 67, introduced by B. Gillespie (by request of the Department of Livestock), referred to Agriculture, Livestock and Irrigation.
SB 68, introduced by B. Gillespie (by request of the Department of Livestock), referred to Agriculture, Livestock and Irrigation.
SB 69, introduced by M. Blasdel (by request of the Revenue and Transportation Interim Committee), referred to Agriculture, Livestock and Irrigation.
SB 70, introduced by P. Flowers (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 71, introduced by A. Olszewski (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
SB 73, introduced by S. Hinebauch (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
SB 74, introduced by G. Vuckovich (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
SB 75, introduced by G. Vuckovich (by request of the Board of Public Accountants), referred to Business, Labor, and Economic Affairs.
SB 76, introduced by B. Hoven (by request of the Department of Transportation), referred to Highways and Transportation.
SB 77, introduced by M. McNally (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
SB 78, introduced by M. McNally (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
SB 79, introduced by S. Hinebauch (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
SB 81, introduced by J. Cohenour (by request of the Water Policy Interim Committee), referred to Natural Resources.

The following Senate bills were introduced and read first time:

SB 24, introduced by T. Gauthier.
SB 72, introduced by J. Sesso (by request of the Water Policy Interim Committee).
SB 80, introduced by S. Sales (by request of the Legislative Council).

The following Senate resolution was introduced, read first time, and referred to committee:

SR 1, introduced by F. Thomas (by request of the Senate Rules Standing Committee), referred to Rules.

The following Senate joint resolutions were introduced, read first time, and referred to committee:

SJ 1, introduced by F. Thomas (by request of the Joint Rules Committee), referred to Rules.
SJ 2, introduced by F. Smith (by request of the State-Tribal Relations Committee), referred to Public Health, Welfare and Safety.

SPECIAL ORDERS OF THE DAY

Majority Leader Thomas introduced the new Republican senators: Senators Mike Cuffe, Kenneth Bogner, Jason Ellsworth, John Esp, and Bruce Gillespie. Each senator addressed the Senate and introduced family members.

Minority Leader Sesso introduced the new Democrat senators: Senators Bryce Bennett, Janet Ellis, Pat Flowers, Tom Jacobson, Nate McConnell, and Susan Webber. Each senator addressed the Senate and introduced family members.

MESSAGES FROM THE OTHER HOUSE

The Honorable Committee from the House of Representatives, consisting of Representatives Becky Beard and Zac Perry, was escorted into the Senate by Sergeant-at-Arms Spencer. The Committee reported to the Senate that the House of Representatives was organized and ready for business.

REPORTS OF SELECT COMMITTEES

The select committee appointed to notify the Governor was escorted into the Senate by Sergeant-at-Arms Spencer. Committee chair Senator Brown reported that the committee had discharged its duty. The President expressed the thanks of the Senate and discharged the Committee.

The select committee appointed to notify the Chief Justice and members of the Supreme Court was escorted into the Senate by Sergeant-at-Arms Spencer. Committee chair Senator Regier reported that the committee had discharged its duty. The President expressed the thanks of the Senate and discharged the Committee.

The select committee appointed to notify the House of Representatives was escorted into the Senate by Sergeant-at-Arms Spencer. Committee chair Senator Howard reported that the committee had discharged its duty. The President expressed the thanks of the Senate and discharged the Committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

President Sales reviewed the week's schedule with the members. President Sales announced the rules were suspended, without objection, to allow family members on the floor of the chamber following adjournment.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m. Tuesday, January 8, 2017. The motion carried.

Senate adjourned at 1:24 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 8, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Olszewski. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Marilyn Miller, Secretary to the Senate, introduced the Senate employees for the 2019 Session to Senate members.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 82, introduced by S. Fitzpatrick, referred to Judiciary.
SB 83, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 84, introduced by S. Fitzpatrick, referred to Judiciary.
SB 85, introduced by S. Fitzpatrick, referred to Judiciary.
SB 86, introduced by S. Fitzpatrick, referred to Judiciary.
SB 87, introduced by K. Regier, referred to Education and Cultural Resources.

The following Senate bill, previously introduced, was referred to committee:

SB 24, introduced by T. Gauthier, referred to Fish and Game.

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the first week of Session:

Timothy Snyder, Lewistown, sponsored by Senator Osmundson
Emma Frank, East Helena, sponsored by Senator Olszewski
Tristen Crocker, Helena, sponsored by Senator Sales

MOTIONS

Majority Leader Thomas moved that **SB 69,** originally assigned to the Agriculture, Livestock, and Irrigation Committee, be reassigned to the Taxation Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, January 9, 2019. Motion carried.

Senate adjourned at 1:10 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 9, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Howard. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/9/2019

Correctly printed: **SB 82**, **SB 83**, **SB 84**, **SB 85**, **SB 86**, **SB 87**.

In recognition of national Law Enforcement Appreciation Day, President Sales requested that Sergeant-at-Arms Spencer escort the Capitol police officers into the Senate. President Sales introduced and thanked Gary Herbst and Scott Finnicum, from the Helena Police Department, for their service.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

MOTIONS

Majority Leader Thomas moved that **SB 23** be re-referred from the Public Health, Welfare, and Safety Committee to the Judiciary Committee. Without objection, so ordered.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, January 10, 2019. Motion carried.

Senate adjourned at 1:11 p.m.

MARILYN MILLER — SCOTT SALES
Secretary of the Senate — President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FOURTH LEGISLATIVE DAY

Helena, Montana
January 10, 2019

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Regier. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 88, introduced by D. Sands, referred to Judiciary.
SB 90, introduced by N. McConnell, referred to Judiciary.
SB 91, introduced by D. Salomon, L. Jones, referred to Agriculture, Livestock and Irrigation.
SB 92, introduced by D. Salomon, referred to Education and Cultural Resources.

The following Senate bill was introduced and read first time:

SB 89, introduced by D. Brown.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, January 11, 2019. Motion carried.

Senate adjourned at 1:05 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 11, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Smith. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Howard and McConnell excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/11/2019
Correctly printed: **SB 88**, **SB 90**, **SB 91**, **SB 92**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 1/11/2019
SB 3, do pass.
SB 36, do pass.
SB 62, do pass.

Without objection, committee reports were adopted.

UNFINISHED BUSINESS

Mr. President, I move the following names be **ADDED** as sponsor to **SB 24**: Senator Gauthier.

Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, January 14, 2019, the sixth legislative day. Motion carried.

Senate adjourned at 1:08 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 14, 2019 — State Capitol

Senate convened at 1:00 p.m. President Pro Tempore Blasdel presiding. Invocation by Senator Osmundson. Pledge of Allegiance to the Flag.

Roll Call. Forty-five members present. Senators Barrett, Bennett, Flowers, McClafferty and President Sales, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/14/2019
Correctly printed: **SB 3**, **SB 36**, **SB 62**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/14/2019
SB 1, do pass.

Without objection, the committee report was adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence: 1/11/2019

HB 1, introduced by Glimm

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 93, introduced by T. Richmond, referred to Energy and Telecommunications.
SB 94, introduced by T. Gauthier, D. Ankney, K. Bogner, S. Fitzpatrick, B. Hoven, M. Regier, J. Small, C. Smith, R. Tempel, referred to Business, Labor, and Economic Affairs.
SB 95, introduced by S. Malek, J. Gross, M. MacDonald, E. McClafferty, D. Sands, referred to Judiciary.
SB 96, introduced by F. Smith, referred to Taxation.
SB 97, introduced by F. Smith, referred to Natural Resources.
SB 98, introduced by F. Smith, referred to State Administration.
SB 99, introduced by C. Smith, referred to Judiciary.
SB 100, introduced by K. Regier, referred to Judiciary.
SB 101, introduced by K. Regier, referred to State Administration.

SB 102, introduced by R. Webb, referred to State Administration.
SB 103, introduced by R. Webb, referred to Energy and Telecommunications.
SB 104, introduced by R. Webb, referred to Local Government.
SB 105, introduced by J. Pomnichowski, M. Dunwell, S. Malek, referred to State Administration.
SB 106, introduced by J. Small, L. Bishop, E. Buttrey, T. Gauthier, B. Grubbs, referred to Business, Labor, and Economic Affairs.
SB 107, introduced by J. Sesso, referred to State Administration.
SB 108, introduced by J. Sesso, referred to State Administration.
SB 109, introduced by J. Sesso, referred to State Administration.
SB 110, introduced by E. McClafferty, referred to Education and Cultural Resources.
SB 111, introduced by M. Blasdel, M. Dunwell, J. Ellis, R. Farris-Olsen, T. Jacobson, K. Kelker, M. MacDonald, T. Moore, Z. Perry, J. Sesso, F. Thomas, referred to Taxation.

The following Senate bill, previously introduced, was referred to committee:

SB 89, introduced by D. Brown, referred to State Administration.

The following House bill was introduced, read first time, and referred to committee:

HB 1, introduced by C. Glimm (by request of the Legislative Council), referred to Finance and Claims.

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the coming week:

Hannah Rasmussen from Broadus, sponsored by Senator Bogner
Lars Murdoch Kalsta from Glen, sponsored by Senator Welborn
Winston Royal from Helena, sponsored by Senator Cohenour

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, January 15, 2019, the seventh legislative day. Motion carried.

Senate adjourned at 1:10 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 15, 2019 — State Capitol

Senate convened at 1:01 p.m. President Pro Tempore Blasdel presiding. Invocation by Senator Lang. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Boland and McClafferty excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/15/2019
Correctly printed: **SB 1**, **SB 89**, **SB 93**, **SB 94**, **SB 95**, **SB 96**, **SB 97**, **SB 98**, **SB 99**, **SB 100**, **SB 101**, **SB 102**, **SB 103**, **SB 104**, **SB 105**, **SB 106**, **SB 107**, **SB 108**, **SB 109**, **SB 110**, **SB 111**.
Correctly engrossed: **SB 43**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/15/2019
SB 39, do pass.

JUDICIARY (Regier, Chair): 1/15/2019
SB 43, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "AUDIO-VIDEO"
Insert: "AUDIO OR VIDEO"

2. Page 1, line 12.
Strike: "**audio-video**"
Insert: "audio or video"

3. Page 1, line 18.
Strike: "audio-video"
Insert: "audio or video"

And, as amended, do pass.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 112, introduced by B. Bennett, K. Abbott, W. Curdy, W. Sales, referred to State Administration.
SB 113, introduced by B. Bennett, W. McKamey, W. Sales, referred to State Administration.
SB 114, introduced by J. Gross, referred to Judiciary.
SB 115, introduced by D. Kary, M. Cuffe, J. Ellsworth, S. Fitzpatrick, T. Gauthier, S. Hinebauch, T. Jacobson, M. Lang, D. Lenz, M. MacDonald, M. McNally, A. Olszewski, M. Phillips, T. Richmond, J. Sesso, J. Small, C. Smith, R. Tempel, G. Vance, K. White, referred to State Administration.
SB 116, introduced by D. Salomon, referred to State Administration.
SB 117, introduced by D. Brown, referred to Highways and Transportation.
SB 118, introduced by K. Regier, referred to Education and Cultural Resources.
SB 119, introduced by M. Blasdel, referred to Business, Labor, and Economic Affairs.
SB 120, introduced by S. Malek, referred to Business, Labor, and Economic Affairs.
SB 121, introduced by S. Malek, referred to Business, Labor, and Economic Affairs.
SB 122, introduced by S. Malek, referred to Public Health, Welfare and Safety.
SB 123, introduced by S. Malek, referred to State Administration.
SB 124, introduced by D. Brown, W. McKamey, referred to State Administration.
SB 125, introduced by S. Fitzpatrick, K. Abbott, B. Bessette, M. Blasdel, Z. Brown, E. Buttrey, K. Dudik, M. Funk, F. Garner, T. Gauthier, B. Grubbs, D. Harvey, T. Jacobson, L. Jones, J. Kassmier, K. Kelker, M. MacDonald, N. McConnell, W. McKamey, M. McNally, W. Sales, D. Salomon, C. Schreiner, J. Small, K. Sullivan, F. Thomas, J. Welborn, T. Welch, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blasdel in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 3 - Senator Gross moved **SB 3** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 46

Nays: Hinebauch, Welborn.
Total 2

Paired: None.

Excused: Boland, McClafferty.
Total 2

Absent or not voting: None.
Total 0

SB 36 - Senator MacDonald moved **SB 36** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Boland, McClafferty.
Total 2

Absent or not voting: None.
Total 0

SB 62 - Senator Sands moved **SB 62** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Boland, McClafferty.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Pro Tempore Blasdel presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted unanimously.

MOTIONS

Majority Leader Thomas moved **SB 102** be taken from the State Administration Committee and re-referred to the Fish and Game Committee.

Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, January 16, 2019, the eighth legislative day. Motion carried.

Senate adjourned at 1:17 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 16, 2019 — State Capitol

Senate convened at 1:01 p.m. President Pro Tempore Blasdel presiding. Invocation by Senator Hinebaugh. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/16/2019
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the first through the fifth legislative days, find the same to be correct.

Correctly printed: **SB 3**, **SB 36**, **SB 39**, **SB 62**, **SB 112**, **SB 113**, **SB 114**, **SB 115**, **SB 116**, **SB 117**, **SB 118**, **SB 119**, **SB 120**, **SB 121**, **SB 122**, **SB 123**, **SB 124**, **SB 125**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 1/16/2019
SB 26, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "WITNESSES;" on line 6
Insert: "PROVIDING THAT THE ATTORNEY GENERAL MAY REIMBURSE A COUNTY FOR WITNESS EXPENSES;"

2. Page 1, line 19.
Following: "county"

Insert: "except as provided in subsection (2)(c);"

3. Page 1, line 19.
Following: line 19
Insert: "(c) The attorney general may reimburse a county for fees and compensation of a witness up to the amount appropriated for witness expenses. If money appropriated for the expenses listed in subsection (2)(b) is insufficient to fully fund those expenses, the county is responsible for payment of the balance"
Renumber: subsequent subsections

And, as amended, do pass.

SB 52, do pass.
SB 88, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

January 10, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate my cabinet appointments for confirmation.

- Department of Environmental Quality, Director, Mr. Shaun McGrath, 1520 E. 6th Avenue, Helena, MT 59601, appointed December 1, 2018;

- Department of Labor and Industry, Commissioner, Mr. Galen Hollenbaugh, P.O. Box 1728, Helena, MT 59624, appointed October 25, 2017;

- Department of Revenue, Director, Mr. Gene Walborn, 125 N. Roberts, Helena, MT 59601, appointed July 1, 2018; and

I have included a packet of materials with each nomination for your consideration. Stacey Otterstrom, my Boards and Appointments Advisor, is available as these appointments move through the confirmation process. She can be reached at sotterstrom@mt.gov or by phone at (406) 444-4405.

Sincerely,

STEVE BULLOCK
Governor

January 10, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, Montana 59620

By Electronic Delivery

Dear President Sales:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following judicial appointments:

21st Judicial District
MCA 3-1-1010

- Judge Jennifer Lint, 2976 Mittower Road, Victor, MT 59875

12th Judicial District
MCA 3-1-1010

- Judge-Appoint Kaydee Snipes Ruiz, 1024 17th Street, Havre, MT 59501

I have included the appointees' application packets as received by the Judicial Nominations Commission. Stacey Otterstrom, my Boards and Appointments Advisor, is available as these appointments move through the confirmation process. She can be reached at (406) 444-4405 or by email at sotterstrom@mt.gov.

Sincerely,

STEVE BULLOCK
Governor

January 10, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the included list of board, council and commission appointments for confirmation.

I have included the appropriate statutes and appointees' resumes, biography or other qualification documentation for your consideration.

Stacey Otterstrom, my Boards and Appointments Advisor, is available as these appointments move through the confirmation process. She can be reached at (406) 444-4405 or by email at sotterstrom@mt.gov.

Sincerely,

STEVE BULLOCK
Governor

January 11, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the included list of board, council and commission appointments for confirmation.

I have included the appropriate statutes and appointees' resumes, biography or other qualification documentation for your consideration.

Stacey Otterstrom, my Boards and Appointments Advisor is available as these appointments move through the confirmation process. She can be reached at (406) 444-4405 or by email at sotterstrom@mt.gov.

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 126, introduced by F. Thomas, referred to Business, Labor, and Economic Affairs.
SB 127, introduced by J. Cohenour, B. Bessette, M. Blasdel, C. Boland, Z. Brown, K. Dudik, J. Ellis, R. Farris-Olsen, F. Garner, T. Gauthier, B. Grubbs, J. Hamilton, T. Jacobson, J. Keane, E. Kerr-Carpenter, D. Loge, M. MacDonald, M. Phillips, J. Pomnichowski, D. Sands, C. Schreiner, R. Shaw, C. Smith, F. Smith, J. Welborn, J. Windy Boy, T. Winter, referred to Fish and Game.
SB 128, introduced by J. Cohenour, K. Abbott, C. Boland, M. Dunwell, R. Farris-Olsen, M. Funk, J. Keane, E. Kerr-Carpenter, M. Marler, J. Pomnichowski, M. Ryan, C. Schreiner, B. Smith, J. Windy Boy, referred to State Administration.
SB 129, introduced by J. Cohenour, referred to Natural Resources.
SB 130, introduced by D. Salomon, referred to Education and Cultural Resources.

The following Senate bills were introduced and read first time:

SB 131, introduced by R. Webb.
SB 132, introduced by K. Regier.
SB 133, introduced by B. Gillespie.
SB 134, introduced by D. Brown, S. Malek.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 3, introduced by F. Thomas, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blasdel in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 1 - Senator Malek moved **SB 1** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Pro Tempore Blasdel presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 3 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 36 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 62 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, January 17, 2019, the ninth legislative day. Motion carried.

Senate adjourned at 1:17 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 17, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/17/2019
Correctly printed: **SB 1**, **SB 52**, **SB 88**, **SB 126**, **SB 127**, **SB 128**, **SB 129**, **SB 130**, **SJ 3**.
Correctly engrossed: **SB 5**, **8**, **16**, **26**.
Transmitted to the House: **SB 3**, **SB 36**, **SB 62**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/16/2019
SB 8, introduced bill, be amended as follows:

1. Page 5, line 17 through line 20.
Strike: subsection (13) in its entirety
Insert: " (13) (a) A district may, for ANB purposes, include in the October and February enrollment counts an individual who is otherwise eligible under this title and who during the prior school year:
(i) resided in the district;
(ii) was not enrolled in the district or was not enrolled full time; and
(iii) completed an extracurricular activity with a duration of at least 6 weeks.
(b) Each completed extracurricular activity under subsection (13)(a) may be counted as one-sixteenth enrollment for the individual, but under this subsection (13) the individual may not be counted as more than one full-time enrollment for ANB purposes."

And, as amended, do pass.

SB 11, do pass.
SB 16, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "20-3-361,"
Insert: "20-3-362,"

2. Page 2, line 12.
Insert: "Section 2. Section 20-3-362, MCA, is amended to read:
"20-3-362. Powers of joint board of trustees. (1) When a joint board of trustees is

formed as provided by 20-3-361, it shall have the power to:

(a) jointly employ a district superintendent under the provisions of 20-4-401;

(b) jointly employ teachers and specialists under the provisions of 20-4-201;

(c) open a junior high school under the provisions of 20-6-505 if the trustees of a county high school and the trustees of an elementary district have formed a joint board of trustees;

(d) prescribe and administer joint administrative policy;

(e) jointly provide any program or service authorized under 20-3-324, including any joint provision of special education services ~~as provided in 20-7-457~~; and

(f) prorate all items of joint expense among the school districts, provided that a controversy over any decision by the joint board to prorate joint costs may, within 30 days, be appealed by the trustees of any district to the superintendent of public instruction for a final decision as to what constitutes a fair and just proration of the cost.

(2) The joint board of trustees shall not have the power to transact business that is not specifically related to the joint administration of the districts.""

Renumber: subsequent sections

And, as amended, do pass.

JUDICIARY (Regier, Chair): 1/17/2019
SB 64, introduced bill, be amended as follows:

1. Title, page 1, line 10.
Following: "SECTIONS"
Insert: "40-5-272,"

2. Page 1, line 14.
Following: line 14
Insert: "Section 1. Section 40-5-272, MCA, is amended to read:

"40-5-272. Application for review of child support orders. (1) Upon the application of the department, the obligor, or the obligee, a support order issued by a district court of this state or by a court or administrative agency of another state, tribe, or foreign country <u>as defined in 40-5-1002</u> or a previously issued administrative support order of this state may be reviewed by the department to determine whether the support order should be modified in accordance with the guidelines.

(2) Jurisdiction to conduct the review and to issue a modifying order under 40-5-273, 40-5-277, and 40-5-278 is authorized when:

(a) <u>this state has issued the order and</u> the obligor and the obligee reside in this state; or

(b) ~~jurisdiction can be obtained as provided under 40-5-231~~ <u>this state has jurisdiction as provided under the Uniform Interstate Family Support Act</u>.

(3) Jurisdiction to review a child support order under this section does not confer jurisdiction for any other purpose, such as custody or visitation disputes.

(4) Criteria constituting sufficient grounds for review of a child support order include:

(a) a substantial change in circumstances as defined by administrative rules;

(b) the need to provide for the child's health care needs, regardless of the availability of

health insurance coverage through employment or other group insurance;

(c) a lapse of 36 months from the date that:

(i) the order was entered;

(ii) an administrative hearing was granted under 40-5-277; or

(iii) an administrative order was issued denying a modification because of the applicant's failure to meet one of the criteria described in this subsection (4); or

(d) a change in custody of the child.

(5) A party may withdraw the party's request for modification prior to the issuance of the notice described in 40-5-273. After the issuance of the notice, if a party withdraws a request for modification, the nonrequesting party may continue the modification action by filing with the department a written request to continue.

(6) The department shall make available procedures and forms that allow the obligor or the obligee to complete the review process without legal counsel.

~~(7) To the extent that they are consistent with this section, the provisions of 40-5-1008, 40-5-1012, and 40-5-1013 apply to this section.~~""

Renumber: subsequent sections

3. Page 3, line 1.
Following: "(3)"
Insert: "(a)"

4. Page 3, line 5.
Following: line 5
Insert: "(b) Withholding of current support that is less than the amount of current support due all obligees must be prorated among the obligees based on the amount of current support due each obligee.

(c) Withholding of support arrears must be distributed equally among the obligor's cases."

5. Page 3, line 12.
Strike: "a"
Insert: "any"

And, as amended, do pass.

SB 82, do pass.
SB 90, do pass.

NATURAL RESOURCES (Welborn, Chair): 1/16/2019
SB 34, do pass.
SB 46, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 1/16/2019
SB 4, do pass.
SB 5, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Strike: "AND"

2. Title, page 1, line 9.
Following: "53-20-203, MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1.
Following: line 23
Insert: "(a) determine the ongoing reasonable necessity pursuant to 2-4-305;"
Renumber: subsequent subsections

4. Page 2, line 25.
Strike: "Medicaid"
Insert: "medicaid"

5. Page 3.
Following: line 12
Insert: "NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass.

SB 7, do pass.

STATE ADMINISTRATION (Brown, Chair): 1/16/2019
SB 2, do pass.
SB 14, do pass.

TAXATION (Webb, Chair): 1/17/2019
SB 28, introduced bill, be amended as follows:

1. Page 3, line 15.
Strike: "Incremental"
Insert: "New or expanded secondary recovery"

2. Page 3, line 17.
Strike: "incremental"
Insert: "new or expanded secondary recovery"

And, as amended, do pass.

SB 42, do pass.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 135, introduced by T. Jacobson, M. Blasdel, C. Boland, E. Buttrey, B. Hamlett, J. Pomnichowski, C. Smith, referred to Taxation.
SB 136, introduced by F. Thomas, referred to Judiciary.
SB 137, introduced by S. Hinebauch, M. Lang, referred to Agriculture, Livestock and Irrigation.
SB 139, introduced by M. Lang, referred to Education and Cultural Resources.
SB 140, introduced by C. Smith, D. Ankney, J. Bahr, N. Ballance, D. Barrett, D. Bartel, B. Beard, B. Bennett, S. Berglee, M. Blasdel, K. Bogner, C. Boland, B. Brown, D. Brown, E. Buttrey, M. Caferro, J. Cohenour, M. Cuffe, W. Curdy, G. Custer, A. Doane, J. Dooling, K. Dudik, D. Dunn, M. Dunwell, J. Ellis, J. Ellsworth, J. Fielder, S. Fitzpatrick, F. Fleming, P. Flowers, M. Funk, L. Galloway, W. Galt, R. Garcia, F. Garner, T. Gauthier, B. Gillespie, C. Glimm, S. Greef, J. Gross, B. Grubbs, S. Gunderson, B. Hamlett, D. Harvey, G. Hertz, S. Hinebauch, M. Hopkins, B. Hoven, D. Howard, T. Jacobson, L. Jones, J. Karjala, D. Kary, B. Keenan, K. Kelker, C. Keogh, E. Kerr-Carpenter, C. Knudsen, M. Lang, D. Lenz, R. Lynch, M. MacDonald, S. Malek, F. Mandeville, E. McClafferty, N. McConnell, W. McKamey, M. McNally, B. Mercer, T. Moore, M. Noland, A. Olsen, A. Olszewski, R. Osmundson, R. Peppers, M. Phillips, G. Pierson, J. Pomnichowski, J. Read, A. Redfield, K. Regier, V. Ricci, T. Richmond, M. Ryan, S. Sales, W. Sales, D. Salomon, D. Sands, J. Sesso, R. Shaw, D. Skees, J. Small, F. Smith, S. Stewart Peregoy, R. Tempel, F. Thomas, B. Tschida, B. Usher, G. Vance, S. Vinton, G. Vuckovich, P. Webb, R. Webb, S. Webber, J. Welborn, K. White, J. Windy Boy, T. Woods, D. Zolnikov, referred to Education and Cultural Resources.

The following Senate bills were introduced and read first time:

SB 138, introduced by S. Hinebauch.
SB 141, introduced by D. Barrett.
SB 142, introduced by D. Barrett.
SB 143, introduced by M. Cuffe.

The following Senate bills, previously introduced, were referred to committees:

SB 131, introduced by R. Webb, referred to Education and Cultural Resources.
SB 132, introduced by K. Regier, referred to Education and Cultural Resources.
SB 133, introduced by B. Gillespie, referred to Agriculture, Livestock and Irrigation.
SB 134, introduced by D. Brown, S. Malek, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 39 - Senator Fitzpatrick moved **SB 39** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 40

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, McClafferty, Pomnichowski, Smith F, Vuckovich, Webber.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 43 - Senator MacDonald moved **SB 43** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 1 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, January 18, 2019, the tenth legislative day. Motion carried.

Senate adjourned at 1:29 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
TENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 18, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Salomon. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/18/2019
Correctly printed: **SB 2**, **SB 4**, **SB 7**, **SB 11**, **SB 14**, **SB 34**, **SB 39**, **SB 42**, **SB 43**, **SB 46**, **SB 82**, **SB 90**, **SB 135**, **SB 136**, **SB 137**, **SB 139**, **SB 140**.
Correctly engrossed: **SB 28**, **SB 55**, **SB 63**, **SB 64**, **SB 76**.
Transmitted to the House: **SB 1**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 1/17/2019
SB 56, do pass.
SB 57, do pass.
SB 67, do pass.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/18/2019
SB 25, do pass.
SB 55, introduced bill, be amended as follows:

1. Page 15, line 6 through line 7.
Following: "reciprocal insurer shall"
Strike: "notify the secretary" on line 6 through "conversion" on line 7
Insert: "file the articles of the merger or conversion with the secretary of state"

And, as amended, do pass.

SB 63, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: "branch establishments."
Insert: "The rules must be limited to implementing only the purposes outlined in subsection (1)."

And, as amended, do pass.

SB 75, do pass.

FINANCE AND CLAIMS (Osmundson, Chair): 1/17/2019
HB 1, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 1/17/2019
SB 51, do pass.
SB 76, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "AUTHORIZING UTILITY ACCOMMODATION;"

2. Page 1, line 18.
Following: "repair,"
Strike: "renewal,"

3. Page 1, line 20.
Following: "reimbursement to a"
Strike: "qualifying"

4. Page 1, line 22 through line 25.
Strike: subsection (c) and subsection (d) in their entirety
Insert: "(c) issuance of an occupancy permit or, in the case of a facility not within the scope of Title 60, chapter 4, part 4, an encroachment permit;
(d) collection of a fee commensurate with the department's actual cost of processing the application for a permit issued under subsection (1)(c), not to exceed $300; and"

5. Page 1, line 26.
Following: "deposit of"
Strike: "the"
Insert: "permit"

6. Page 1, following line 29.
Insert: "(3) The permitting provisions of this section do not apply to existing utility facilities or existing facilities not within the scope of Title 60, chapter 4, part 4, lawfully occupying the highway right-of-way on [the effective date of this act]."

7. Page 2, line 5.
Following: "newspaper delivery box,"
Insert: "or"
Following: "driveway approach,"
Strike: "or utility,"

8. Page 2, line 7.
Strike: "may"

9. Page 2, following line 7.

Insert: "(a) for a mailbox or newspaper delivery box, must issue an encroachment permit pursuant to subsection (3); and"

10. Page 2, line 8.
Strike: "(a)"
Insert: "(b)(i) for all other encroachments, may"

11. Page 2, line 9.
Strike: "(b)"
Insert: "(ii) may"

12. Page 2, line 15.
Strike: "The"
Insert: "Except as provided in subsection (3)(c), the"

13. Page 2, line 17.
Strike: subsection (c) in its entirety

14. Page 2, following line 17.
Insert: "(c) The department shall adopt rules pertaining to the issuance of encroachment permits and the removal of encroachments."

15. Page 2, line 18.
Following: "(3)"
Insert: "(a)"

16. Page 2, line 18 through line 19.
Strike: "removal of" on line 18 through "including for the" on line 19

17. Page 2, following line 21.
Insert: "(b) The department shall issue an encroachment permit for a completed permit application for a mailbox or newspaper delivery box.
(c) The department may not charge a fee for an encroachment permit for a mailbox or newspaper delivery box."

18. Page 2, following line 23.
Insert: "(5) Utility facilities lawfully occupying a highway right-of-way on [the effective date of this act], or under an occupancy or encroachment permit issued by the department pursuant to 60-4-402(1)(c), are not encroachments within the meaning of this part."

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/17/2019

HB 60, introduced by E. Buttrey
HB 89, introduced by S. Morigeau

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 144, introduced by T. Jacobson, referred to Fish and Game.
SB 145, introduced by B. Hoven, referred to Taxation.
SB 146, introduced by D. Salomon, referred to Education and Cultural Resources.

The following Senate bills, previously introduced, were referred to committee:

SB 138, introduced by S. Hinebauch, referred to Judiciary.
SB 141, introduced by D. Barrett, referred to Taxation.
SB 142, introduced by D. Barrett, referred to Taxation.
SB 143, introduced by M. Cuffe, referred to State Administration.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 2, introduced by S. Sales, referred to Taxation.
SR 3, introduced by S. Sales, referred to Taxation.

The following Senate joint resolutions were introduced and read first time:

SJ 4, introduced by J. Sesso.
SJ 5, introduced by S. Malek.

The following House bills were introduced, read first time, and referred to committees:

HB 60, introduced by E. Buttrey (by request of the Code Commissioner), referred to Judiciary.
HB 89, introduced by S. Morigeau (by request of the State Public Defender), referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 26 - Senator Fitzpatrick moved **SB 26** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Cuffe, Esp, Keenan, Malek.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 88 - Senator Sands moved **SB 88** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee

arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows.

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 39 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn.
Total 42

Nays: Boland, Cohenour, Ellis, McClafferty, Pomnichowski, Sands, Smith F, Webber.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 43 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, January 21, 2019, the eleventh legislative day. Motion carried.

Senate adjourned at 1:15 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
ELEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 21, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Sands. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present. Senators Fielder, Gross, Howard, and Sesso, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/21/2019
Correctly printed: **SB 25**, **SB 26**, **SB 51**, **SB 56**, **SB 57**, **SB 67**, **SB 75**, **SB 88**, **SB 131**, **SB 132**, **SB 133**, **SB 134**, **SB 138**, **SB 141**, **SB 142**, **SB 143**, **SB 144**, **SB 145**, **SB 146**, **SR 2**, **SR 3**, **HB 1**.
Transmitted to the House: **SB 39**, **SB 43**.

COMMUNICATIONS AND PETITIONS

January 17, 2019

TO: Marilyn Miller, Secretary of the Senate

FROM: Beth McLaughlin, Court Administrator

RE: Confirmation of Associate Water Judge

On January 3, 2019, pursuant to 3-7-221, MCA, Chief Justice Mike McGrath appointed Stephen R. Brown to the position of Associate Water Court Judge. He was appointed to complete the term of office left by Judge Douglas Ritter's retirement. Pursuant to 3-1-1013, MCA, Senate confirmation is required.

Attached are the order appointing Mr. Brown, his application before the Judicial Nomination Commission and the index of public comment submitted to the Judicial Nomination Commission.

Judge Brown will be prepared to appear as necessary for his confirmation hearing. Please let me know should you need additional information.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Welborn, Chair): 1/18/2019
SB 41, do pass.
SB 47, do pass.
Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/18/2019

HB 63, introduced by R. Shaw
HB 101, introduced by C. Knudsen
HB 104, introduced by D. Loge

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 147, introduced by M. MacDonald, G. Custer, F. Fleming, J. Gross, J. Karjala, K. Kelker, E. Kerr-Carpenter, E. McClafferty, M. McNally, A. Olsen, R. Peppers, T. Richmond, D. Sands, J. Small, B. Smith, S. Stewart Peregoy, P. Webb, D. Zolnikov, referred to Judiciary.
SB 148, introduced by B. Bennett, G. Custer, S. Fitzpatrick, F. Garner, T. Jacobson, D. Zolnikov, referred to State Administration.
SB 149, introduced by B. Bennett, G. Custer, T. Jacobson, referred to State Administration.
SB 150, introduced by B. Bennett, referred to State Administration.
SB 151, introduced by S. Fitzpatrick, referred to Natural Resources.
SB 152, introduced by D. Barrett, F. Anderson, B. Bennett, M. Caferro, J. Cohenour, W. Curdy, J. Ellis, S. Fitzpatrick, T. Gauthier, J. Gross, B. Grubbs, T. Jacobson, J. Karjala, J. Keane, C. Keogh, M. MacDonald, M. Marler, M. McNally, S. Morigeau, J. Pomnichowski, T. Richmond, M. Ryan, D. Salomon, C. Schreiner, J. Sesso, J. Small, M. Sweeney, T. Welch, referred to Taxation.
SB 153, introduced by J. Esp, R. Osmundson, referred to State Administration.
SB 154, introduced by S. Sales, S. Malek, J. Sesso, referred to State Administration.
SB 155, introduced by R. Webb, referred to Judiciary.
SB 156, introduced by R. Webb, referred to Judiciary.
SB 157, introduced by A. Olszewski, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolutions, previously introduced, were referred to committees:

SJ 4, introduced by J. Sesso, referred to Natural Resources.
SJ 5, introduced by S. Malek, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 63, introduced by R. Shaw (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 101, introduced by C. Knudsen (by request of the Department of Livestock), referred to Agriculture, Livestock and Irrigation.
HB 104, introduced by D. Loge (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 11 - Senator Salomon moved **SB 11** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 37

Nays: Ankney, Brown, Cuffe, Esp, Hinebauch, Olszewski, Smith C, Vance, Welborn.
Total 9

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.
Total 4

Absent or not voting: None.
Total 0

SB 16 - Senator Salomon moved **SB 16** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.
Total 4

Absent or not voting: None.
Total 0

SB 28 - Senator Richmond moved consideration of **SB 28** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 34 - Senator Flowers moved **SB 34** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Webb, Webber, Welborn.
Total 41

Nays: Brown, Esp, Hinebauch, Vance.
Total 4

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.
Total 4

Absent or not voting: Vuckovich.
Total 1

SB 46 - Senator Cohenour moved **SB 46** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Brown, Cuffe, Esp, Fitzpatrick, Hinebauch, Kary, Keenan, Lang, Mr President, Olszewski, Regier, Smith C, Vance, Webb.
Total 15

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.
Total 4

Absent or not voting: None.
Total 0

SB 5 - Senator Sands moved **SB 5** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.
Total 4

Absent or not voting: None.
Total 0

SB 64 - Senator Sands moved **SB 64** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Esp, Hinebauch, Vance.
Total 3

Paired: Gross, Sesso, Aye; Esp, Vance, No.

Excused: Fielder, Howard.
Total 2

Absent or not voting: None.
Total 0

SB 82 - Senator Fitzpatrick moved **SB 82** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson,

Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Brown, Hinebauch, Vance.
Total 3

Paired: Gross, Sesso, Aye; Hinebauch, Vance, No.

Excused: Fielder, Howard.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.
Total 4

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 26 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, McConnell, McNally, Mr President, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 34

Nays: Barrett, Bennett, Boland, Cohenour, Cuffe, Esp, Keenan, Malek, McClafferty, Olszewski, Pomnichowski, Sands.
Total 12

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.
Total 4

Absent or not voting: None.
Total 0

SB 88 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Gross, Howard, Sesso.
Total 4

Absent or not voting: None.
Total 0

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 144**.

SB 144 (T. Jacobson, Chief Sponsor)
Senator Ellsworth.

Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the coming week:

Athena Haka from Broadview, sponsored by Senator Webb
Jack Kuney from Helena, sponsored by Senator Sales
Hannah Osmundson from Buffalo, sponsored by Senator Osmundson

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, January 22, 2019, the twelfth legislative day. Motion carried.

Senate adjourned at 1:35 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
TWELFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 22, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Cuffe. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Fielder excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/22/2019
Correctly printed: **SB 5**, **SB 11**, **SB 16**, **SB 34**, **SB 41**, **SB 46**, **SB 47**, **SB 64**, **SB 82**, **SB 147**, **SB 148**, **SB 149**, **SB 150**, **SB 151**, **SB 152**, **SB 153**, **SB 154**, **SB 155**, **SB 156**, **SB 157**, **SJ 4**, **SJ 5**.
Correctly engrossed: **SB 54**, **SB 87**, **SJ 1**.
Transmitted to the House: **SB 26**, **SB 88**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/22/2019
SB 54, introduced bill, be amended as follows:

1. Page 4, line 26 through 27.
Following: "(5)"
Strike: "An arrangement" on line 26 through "commissioner" on line 27
Insert: "An arrangement shall file with the commissioner a limited quarterly financial statement for each quarter ending March 31, June 30, and September 30, on a form and in a manner prescribed by the commissioner. The statement must indicate the arrangement's assets and liabilities and profits and losses and must be filed no later than 45 days after the end of each quarter"

2. Page 4, line 28 through line 30.
Following: "annually with the commissioner" on line 28
Strike: "for review and approval" on line 28 through "year" on line 30
Insert: ", on a form and in a manner acceptable to the commissioner, verification that the arrangement has complied with the provisions listed in 33-35-306(1)(h) through (1)(j)"

And, as amended, do pass.

SB 74, do pass.
SB 77, do pass.
SB 83, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/21/2019
SB 10, do pass.
SB 50, do pass.
SB 87, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "REQUIRING"
Insert: "REQUESTING"

2. Page 1, line 11.
Strike: "**requirements**"

3. Page 1, line 13.
Strike: "shall"
Insert: "are requested to"

4. Page 1, line 15 through line 16.
Strike: "prior to the student receiving loan funds,"

5. Page 1, line 16.
Strike: "shall"
Insert: "will"

6. Page 1, line 23.
Strike: "must"
Insert: "will"

7. Page 1, line 24.
Following: "incurred;"
Insert: "and"

8. Page 1, line 25 through line 27.
Strike: "; and" on line 25 through "study" on line 27

9. Page 1, line 29.
Strike: "consequences"
Insert: "responsibility"

10. Page 2, line 1.
Strike: "shall"
Insert: "is requested to"

11. Page 2, line 6.
Strike: "shall"
Insert: "is requested to"

And, as amended, do pass.

RULES (Thomas, Chair): 1/21/2019
SJ 1, introduced joint resolution, be amended as follows:

1. Page 2, line 28 through line 30.
Following: "retaliation" on page 2, line 28
Strike: "on account" on page 2, line 28 through "ideas" on line 30

2. Page 3, line 1 through line 2.
Following: "employee," on line 1
Insert: "or"
Following: "legislator" on line 1
Strike: ", lobbyist" on line 1 through "media" on line 2

3. Page 3, line 4.
Strike: "adopted"
Insert: "recommended"
Following: "Council"
Insert: "and approved by the Legislature by virtue of adoption of these joint rules"

4. Page 4.
Following: line 30
Insert: "(6) A legal review note or analysis produced by the Legislative Services Division Legal Services Office may not be attached to an introduced bill or posted on the Legislative Branch website unless requested by the sponsor of the bill.

(7) Prior to submitting legislation for introduction, the chief sponsor may add representatives and senators as cosponsors. A legislator may either sign on the front page of the legislation or sign or initial a cosponsor form supplied upon request by the Secretary of the Senate or the Chief Clerk of the House in order to be added as a cosponsor."

5. Page 7, line 11.
Following: "(3)"
Insert: "(a)"

6. Page 7, line 16.
Following: line 15
Insert: "(b) A free conference committee may not take executive action on an amendment to a bill implementing provisions of a general appropriation act that does not directly and substantively address the subject of the bill."

7. Page 10, line 5.
Following: line 4
Insert: "(3) The provisions of a bill that implements provisions of a general appropriation act must directly and substantively relate to a corresponding provision of the general appropriation

act. When a bill that implements provisions of a general appropriation act is transmitted from the Senate to the House for concurrence, the House may refer the bill to the House Appropriations Committee for a joint meeting with the appropriate house standing committee for public review and consideration prior to action by the House Committee of the Whole on second reading."

8. Page 22, line 30.
Following: "repealed"
Strike: "or"
Insert: ","
Following: "amended"
Insert: ", or adopted"

9. Page 23, line 1 through line 2.
Following: "houses" on line 1
Strike: ", under" on line 1 through "rules" on line 2
Following: "." on line 2
Insert: "A motion or a joint rule resolution to repeal, amend, or adopt a joint rule must be referred to the Rules Committee. A joint rule may be repealed, amended, or adopted only with the concurrence of a majority of the members voting in both houses."

And, as amended, do pass.

SR 1, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/21/2019

HB 20, introduced by R. Peppers
HB 43, introduced by D. Loge
HB 117, introduced by K. Holmlund

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced and read first time:

SB 158, introduced by G. Vance.
SB 159, introduced by K. Regier.
SB 160, introduced by N. McConnell, K. Abbott, J. Bachmeier, J. Bahr, D. Barrett, B. Bennett, B. Bessette, L. Bishop, C. Boland, Z. Brown, M. Caferro, J. Cohenour, W. Curdy, K. Dudik, M.

Dunwell, D. Fern, R. Fitzgerald, P. Flowers, M. Funk, F. Garner, J. Gross, B. Grubbs, J. Hamilton, D. Harvey, D. Hayman, M. Hopkins, T. Jacobson, J. Karjala, K. Kelker, C. Keogh, E. Kerr-Carpenter, R. Lynch, M. MacDonald, S. Malek, M. Marler, E. McClafferty, M. McNally, S. Morigeau, A. Olsen, R. Peppers, Z. Perry, G. Pierson, J. Pomnichowski, J. Read, T. Richmond, T. Runningwolf, M. Ryan, W. Sales, D. Sands, C. Schreiner, J. Sesso, R. Shaw, J. Small, B. Smith, F. Smith, S. Stewart Peregoy, K. Sullivan, S. Vinton, T. Welch, T. Winter, T. Woods.
SB 161, introduced by T. Jacobson.
SB 162, introduced by R. Webb.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 4, introduced by D. Brown, referred to State Administration.
SR 5, introduced by D. Brown, referred to State Administration.
SR 6, introduced by D. Ankney, referred to Energy and Telecommunications.
SR 7, introduced by D. Ankney, referred to Energy and Telecommunications.

The following House bills were introduced and read first time:

HB 20, introduced by R. Peppers (by request of the State-Tribal Relations Committee).
HB 43, introduced by D. Loge (by request of the Environmental Quality Council).
HB 117, introduced by K. Holmlund (by request of the State Public Defender).

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fitzpatrick in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 28 - Senator Richmond moved **SB 28** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Bennett, Boland, Ellis, MacDonald, Malek, Pomnichowski, Sands.
Total 7

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 1 - Senator C. Smith moved **HB 1** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 56 - Senator Ellis moved **SB 56** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Ellsworth, Hinebauch, Vance.
Total 3

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.

Total 0

SB 57 - Senator Ellis moved **SB 57** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 67 - Senator Gillespie moved **SB 67** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 25 - Senator Blasdel moved **SB 25** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Howard.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 55 - Senator Salomon moved **SB 55** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 63 - Senator Sands moved **SB 63** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon,

Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 75 - Senator Vuckovich moved **SB 75** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 51 - Senator Barrett moved **SB 51** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Hinebauch.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: Keenan.
Total 1

SB 76 - Senator Hoven moved **SB 76** do pass.

SB 76 - Senator Esp moved **SB 76**, second reading copy, be amended as follows:

1. Page 2, line 15.
Strike: "MUST"
Insert: "may"

2. Page 3, line 5.
Strike: "SHALL"
Insert: "may"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 47

Nays: Brown, Welborn.
Total 2

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 76 - As amended, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Hinebauch, Vance.
Total 2

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 90 - Senator McConnell moved **SB 90** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Hinebauch.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 2 - Senator MacDonald moved **SB 2** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber,

Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 14 - Senator D. Brown moved **SB 14** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Smith F.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 42 - Senator Cohenour moved **SB 42** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Tempel, Vuckovich, Webb, Webber.
Total 36

Nays: Ankney, Brown, Cuffe, Esp, Fitzpatrick, Hinebauch, Mr President, Salomon, Smith C, Smith F, Thomas, Vance, Welborn.
Total 13

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Fitzpatrick moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 5 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber,

Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 11 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 37

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Kary, Olszewski, Regier, Smith C, Vance.
Total 12

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 16 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.

Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 34 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Brown, Cuffe, Hinebauch, Howard, Osmundson, Smith C, Vance.
Total 7

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 46 passed as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber.
Total 31

Nays: Ankney, Blasdel, Brown, Cuffe, Esp, Fitzpatrick, Hinebauch, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Smith C, Vance, Webb, Welborn.
Total 18

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.
Total 0

SB 64 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Vance.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 82 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Brown, Hinebauch, Howard, Vance.
Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 55**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, January 23, 2019, the thirteenth legislative day. Motion carried.

Senate adjourned at 2:05 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 23, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Gillespie. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Fielder, Osmundson, and Phillips, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/23/2019
Correctly printed: **SB 2**, **SB 10**, **SB 14**, **SB 25**, **SB 28**, **SB 42**, **SB 50**, **SB 51**, **SB 56**, **SB 57**, **SB 63**, **SB 67**, **SB 74**, **SB 75**, **SB 77**, **SB 83**, **SB 90**, **SR 1**, **SR 4**, **SR 5**, **SR 6**, **SR 7**, **HB 1**.
Correctly engrossed: **SB 22**, **SB 37**, **SB 76**.
Transmitted to the House: **SB 5**, **SB 11**, **SB 16**, **SB 34**, **SB 46**, **SB 64**, **SB 82**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 1/22/2019
SB 22, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "~~$50~~"
Strike: "$100"
Insert: "$75"

2. Page 3, line 1.
Following: "~~$50~~"
Strike: "$100"
Insert: "$75"

And, as amended, do pass.

JUDICIARY (Regier, Chair): 1/23/2019
SB 37, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "RECORDING"
Strike: "OR WRITTEN RECORD"

2. Page 1, line 17.
Strike: "subsection"
Insert: "subsections"

Following: "(1)(b)(ii)"
Insert: "and (1)(b)(iii)"

3. Page 1, line 20 through line 22.
Following: "(ii)"
Strike: remainder of line 20 through line 22
Insert: "If an inmate who is scheduled for a parole hearing is serving a Montana sentence in an out-of-state correctional facility and the board's video recording system is incompatible with the out-of-state facility's system, making it impossible to video-record the inmate, the board shall nevertheless create a dual audio-video recording of the parole hearing in which the board panel can be seen and heard and the subject inmate can hear the panel and be heard by the panel.

(iii) If due to equipment failure a video recording of a scheduled parole hearing cannot be made, the board panel shall give the inmate an option to stipulate to an audio-only recording of the hearing in lieu of postponing the hearing until a later date after the video recording equipment failure is rectified. The stipulation and the hearing must be audio-recorded in that circumstance."

And, as amended, do pass.

SB 84, do pass.

TAXATION (Webb, Chair): 1/23/2019
SB 111, do pass.
SR 2, be adopted.
SR 3, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/22/2019

HB 39, introduced by D. Fern
HB 62, introduced by B. Grubbs
HB 79, introduced by T. Welch
HB 82, introduced by D. Loge
HB 83, introduced by M. Caferro
HB 103, introduced by G. Pierson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 163, introduced by S. Fitzpatrick, referred to Local Government.
SB 164, introduced by F. Thomas, referred to Education and Cultural Resources.
SB 165, introduced by M. MacDonald, D. Sands, referred to Taxation.

The following Senate bill was introduced and read first time:

SB 166, introduced by B. Gillespie.

The following Senate bills, previously introduced, were referred to committees:

SB 72, introduced by J. Sesso (by request of the Water Policy Interim Committee), referred to State Administration.
SB 158, introduced by G. Vance, referred to Highways and Transportation.
SB 160, introduced by N. McConnell, K. Abbott, J. Bachmeier, J. Bahr, D. Barrett, B. Bennett, B. Bessette, L. Bishop, C. Boland, Z. Brown, M. Caferro, J. Cohenour, W. Curdy, K. Dudik, M. Dunwell, D. Fern, R. Fitzgerald, P. Flowers, M. Funk, F. Garner, J. Gross, B. Grubbs, J. Hamilton, D. Harvey, D. Hayman, M. Hopkins, T. Jacobson, J. Karjala, K. Kelker, C. Keogh, E. Kerr-Carpenter, R. Lynch, M. MacDonald, S. Malek, M. Marler, E. McClafferty, M. McNally, S. Morigeau, A. Olsen, R. Peppers, Z. Perry, G. Pierson, J. Pomnichowski, J. Read, T. Richmond, T. Runningwolf, M. Ryan, W. Sales, D. Sands, C. Schreiner, J. Sesso, R. Shaw, J. Small, B. Smith, F. Smith, S. Stewart Peregoy, K. Sullivan, S. Vinton, T. Welch, T. Winter, T. Woods, referred to Business, Labor, and Economic Affairs.
SB 161, introduced by T. Jacobson, referred to Local Government.
SB 162, introduced by R. Webb, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 39, introduced by D. Fern (by request of the Department of Transportation), referred to Highways and Transportation.
HB 62, introduced by B. Grubbs (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 79, introduced by T. Welch (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.
HB 82, introduced by D. Loge (by request of the Department of Transportation), referred to Highways and Transportation.
HB 83, introduced by M. Caferro (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
HB 103, introduced by G. Pierson (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.

The following House bills, previously introduced, were referred to committees:

HB 20, introduced by R. Peppers (by request of the State-Tribal Relations Committee), referred to Judiciary.
HB 43, introduced by D. Loge (by request of the Environmental Quality Council), referred to Fish

and Game.
HB 117, introduced by K. Holmlund (by request of the State Public Defender), referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 8 - Senator K. Regier moved **SB 8** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Cuffe.
Total 1

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 41 - Senator Richmond moved **SB 41** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Cuffe.
Total 1

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 47 - Senator Cohenour moved **SB 47** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Richmond, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 24

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Regier, Salomon, Small, Smith C, Thomas, Vance, Webb.
Total 23

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Keenan.
Total 1

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 1 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 2 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.

Total 3

Absent or not voting: None.
Total 0

SB 14 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 25 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Esp, Howard.
Total 2

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 28 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, McNally, Mr President, Olszewski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 40

Nays: Bennett, Boland, Ellis, MacDonald, Malek, Pomnichowski, Sands.
Total 7

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 42 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 33

Nays: Blasdel, Brown, Cuffe, Esp, Fitzpatrick, Hinebauch, Kary, Keenan, Lang, Mr President, Olszewski, Salomon, Smith C, Vance.
Total 14

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 51 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President,

Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Hinebauch.
Total 1

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 56 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Ellsworth, Hinebauch, Mr President, Vance.
Total 4

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 57 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: None.

Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 63 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 67 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.

Total 3

Absent or not voting: None.
Total 0

SB 75 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

SB 90 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Esp, Mr President.
Total 2

Paired: None.

Excused: Fielder, Osmundson, Phillips.
Total 3

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 8**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, January 24, 2019, the fourteenth legislative day. Motion carried.

Senate adjourned at 1:38 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FOURTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 24, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator McClafferty. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present. Senators Fielder, Osmundson, Phillips, and Welborn, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/24/2019
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixth through the tenth legislative days, find the same to be correct.

Correctly printed: **SB 41**, **SB 47**, **SB 84**, **SB 111**, **SB 158**, **SB 160**, **SB 161**, **SB 162**, **SB 163**, **SB 164**, **SB 165**, **SR 2**, **SR 3**.
Correctly engrossed: **SB 92**.
Transmitted to the House: **SB 2**, **SB 14**, **SB 25**, **SB 28**, **SB 42**, **SB 51**, **SB 56**, **SB 57**, **SB 63**, **SB 67**, **SB 75**, **SB 90**, **HB 1**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/24/2019
SB 58, introduced bill, be amended as follows:

1. Page 4, line 5.
Strike: "30%"
Insert: "22%"

2. Page 10, line 22.
Following: <u>and security monitoring</u>
Insert: "but not including the provision of an interactive computer service or a general audience internet or communications platform unless the service or platform is specially designed or adapted for the business of banking and activities relating to banking"

And, as amended, do pass.

SB 94, do pass.
SB 119, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "RULEMAKING AUTHORITY;"
Insert: "AND"

2. Title, page 1, line 8.
Following: "23-5-628, MCA"
Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 20.
Strike: "must"
Insert: "shall"

4. Page 1, line 22.
Following: "The licensee"
Strike: "must obtain approval from"
Insert: "shall notify"

5. Page 1, line 24.
Following: "licensee"
Insert: "of"

6. Page 1, line 26.
Strike: "must"
Insert: "shall"

7. Page 1, line 28.
Following: "licensee has"
Insert: "a significant violation or"

8. Page 1, line 29.
Following: "department's"
Insert: "or the department of justice's"

9. Page 2, line 1.
Following: "The department"
Insert: "or the department of justice"

10. Page 2, line 2.
Strike: "its"
Insert: "the"

11. Page 2, line 6.
Following: line 5
Strike: "licensed premises"
Insert: "licensee or employees of the licensee"

12. Page 2, line 9.
Strike: "identifies"

Insert: "is identified"

13. Page 2, line 21.
Strike: section 3 in its entirety

And, as amended, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/23/2019
SB 92, introduced bill, be amended as follows:

1. Page 5, line 26 through page 8, line 21.
Strike: section 3 in its entirety

2. Page 8.
Following: line 21
Insert: "Section 3. Section 20-9-525, MCA, is amended to read:

"20-9-525. School major maintenance aid account -- formula. (1) There is a school major maintenance aid account in the state special revenue fund provided for in 17-2-102.

(2) [Subject to legislative fund transfer,] the purpose of the account is to provide, contingent on appropriation from the legislature, funding for school major maintenance aid as provided in subsection (3) for school facility projects that support a basic system of free quality public elementary and secondary schools under 20-9-309 and that involve, except as provided in subsection (7):

(a) first, making any repairs categorized as "safety", "damage/wear out", or "codes and standards" in the facilities condition inventory for buildings of the school district as referenced in the K-12 public schools facility condition and needs assessment final report prepared by the Montana department of administration pursuant to section 1, Chapter 1, Special Laws of December 2005; and

(b) after addressing the repairs in subsection (2)(a), any of the following:

(i) updating the facility condition inventory as recommended in the final report referenced in subsection (2)(a) with the scope and methods of the review to be determined by the trustees, employing experts as the trustees determine necessary. The first update must be completed by July 1, 2019, and each district shall certify the completion to the office of public instruction no later than October 31, 2019. Subsequent updates must be certified to the office of public instruction no less than once every 5 years following the first certification.

(ii) undertaking projects designed to produce operational efficiencies such as utility savings, reduced future maintenance costs, improved utilization of staff, and enhanced learning environments for students, including but not limited to projects addressing:

(A) roofing systems;

(B) heating, ~~air conditioning~~ air-conditioning, and ventilation systems;

(C) energy-efficient window and door systems and insulation;

(D) plumbing systems;

(E) electrical systems and lighting systems;

(F) information technology infrastructure, including internet connectivity both within and to the school facility; and

(G) other critical repairs to an existing school facility or facilities.

(3) (a) In any year in which the legislature has appropriated funds for distribution from the school major maintenance aid account, the superintendent of public instruction shall administer the distribution of school major maintenance aid from the school major maintenance aid account for deposit in the subfund of the building reserve fund provided for in 20-9-502(3)(e). Subject to proration under subsection (5) of this section, aid must be annually distributed no later than the last working day of May to a school district imposing a levy pursuant to 20-9-502(3) in the current school fiscal year, with the amount of state support per dollar of local effort of the applicable elementary and high school program of each district determined as follows:

(i) using the taxable valuation most recently certified by the department of revenue under 15-10-202:

(A) divide the total statewide taxable valuation by the statewide total of school major maintenance amounts and multiply the result by 171%;

(B) multiply the result determined under subsection (3)(a)(i)(A) by the district's school major maintenance amount;

(C) subtract the district's taxable valuation from the amount determined under subsection (3)(a)(i)(B); and

(D) divide the amount determined under subsection (3)(a)(i)(C) by 1,000;

(ii) determine the greater of the amount determined in subsection (3)(a)(i) or 18% of the district's mill value; and

(iii) multiply the result determined under subsection (3)(a)(ii) by the district's school major maintenance amount, then divide the product by the sum of the result determined under subsection (3)(a)(ii) and the district's school major maintenance amount.

(b) For a district with an adopted general fund budget in the prior year greater than or equal to 97% of the district's general fund maximum budget in the prior year, the amount determined in subsection (3)(a)(iii) rounded to the nearest cent is the amount of school major maintenance aid per dollar of local effort, not to exceed an amount that would result in the state aid composing more than 80% of the district's school major maintenance amount.

(c) For a district with an adopted general fund budget in the prior year less than 97% of the district's maximum budget in the prior year, multiply the amount determined in subsection (3)(a)(iii) by the ratio of the district's adopted general fund budget in the prior year to the district's maximum general fund budget in the prior year. The result, rounded to the nearest cent, is the amount of state school major maintenance aid per dollar of local effort, not to exceed an amount that would result in the state aid composing more than 80% of the district's school major maintenance amount.

(4) Using the taxable valuation most recently certified by the department of revenue under 15-10-202, the superintendent shall provide school districts with a preliminary estimated amount of state school major maintenance aid per dollar of local effort for the ensuing school year no later than March 1 and a final amount for the current school year no later than July 31.

(5) If the appropriation from or the available funds in the school major maintenance aid account in any school fiscal year are less than the amount for which school districts would otherwise qualify, the superintendent of public instruction shall proportionally prorate the aid distributed to ensure that the distributions do not exceed the appropriated or available funds.

(6) If in any fiscal year the amount of revenue in the school major maintenance aid account is sufficient to fund school major maintenance aid without a proration reduction pursuant to subsection (5) and if in that same fiscal year the amount of revenue available in the school facility and technology account established in 20-9-516 will result in a proration reduction in debt service

assistance pursuant to 20-9-346(2)(b) for that fiscal year, the state treasurer shall transfer any excess funds in the school major maintenance aid account to the school facility and technology account, not to exceed the amount required to avoid a proration reduction.

(7) School district boards of trustees that have certified to the office of public instruction a current school safety plan or emergency operations plan pursuant to 20-1-401 may, prior to addressing the school facility projects under subsection (2) of this section, utilize the proceeds from the levy authorized in 20-9-502(3) and any school major maintenance aid for improvements to school and student safety and security as described in 20-9-236(1).

~~(7)~~(8) For the purposes of this section, the following definitions apply:

(a) "Local effort" means an amount of money raised by levying no more than 10 mills pursuant to 20-9-502(3) and, provided that 10 mills have been levied, any additional amount of money deposited or transferred by trustees to the subfund pursuant to 20-9-502(3).

(b) "School major maintenance amount" means the sum of $15,000 and the product of $100 multiplied by the district's budgeted ANB for the prior fiscal year. (Bracketed language in subsection (2) terminates June 30, 2019--sec. 28, Ch. 6, Sp. L. November 2017.)""

And, as amended, do pass.

JUDICIARY (Regier, Chair): 1/24/2019
SB 85, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 8.
Strike: line 5 through line 8
Insert: "REQUIRING DETENTION CENTER STAFF TO NOTIFY THE VETERANS TREATMENT COURT WHEN A VETERAN IS DETAINED AND REQUIRING THE COURT TO PROVIDE INFORMATION TO THE VETERAN;"

2. Page 1, line 16 through line 18.
Following: "staff shall" on line 16
Strike: "refer the person to"
Insert: "notify"
Following: "treatment court" on line 17
Strike: remainder of line 17 through line 18
Insert: ", and the court shall provide information regarding eligibility and the goals and operation of the court to the person."

And, as amended, do pass.

LOCAL GOVERNMENT (Lang, Chair): 1/23/2019
SB 17, do pass.
SB 20, do pass.
SB 29, do pass.
SB 104, do pass.

NATURAL RESOURCES (Welborn, Chair): 1/23/2019
SB 32, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "EFFECTIVE DATE"
Insert: "AND A TERMINATION DATE"

2. Page 2, lines 11 through 12.
Strike: "including" on page 2, line 11 through "citizens" on page 2, line 12
Insert: "with no fewer than 12 members and no more than 20 members, including no more than:
(a) two members from state agencies;
(b) two members from federal government agencies;
(c) two members from conservation districts;
(d) two members who are irrigators;
(e) two members from municipalities;
(f) two members from Indian tribes;
(g) two water commissioners;
(h) two members from watershed groups;
(i) two members of the recreation industry; and
(j) two citizen members"

3. Page 3, line 2.
Strike: "and the consultant or advisor shall identify"
Insert: "shall appoint"

4. Page 3, line 3.
Following: "group"
Insert: "based on recommendations from the groups identified in subsection (2)"

5. Page 4.
Following: line 24
Insert:Insert: "NEW SECTION. **Section 8. Termination.** [This act] terminates June 30, 2023."

And, as amended, do pass.

SB 45, introduced bill, be amended as follows:

1. Page 6, line 19.
Following: "participated in the"
Strike: "particular"

2. Page 6, line 29 through page 7, line 1.
Strike: subsection (c) in its entirety

And, as amended, do pass.

SB 49, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "MITIGATION"
Insert: "IN CERTAIN INSTANCES"

2. Page 1, line 22.
Following: "section," on line 22
Strike: "the flow" on line 22 through "recharge." on line 25
Insert: "if the water retained for the original beneficial uses and the amount sold or marketed for mitigation or aquifer recharge are:

(i) not diverted at a common point of diversion, the flow rate and volume of water retained at the point of diversion for the original beneficial uses must be equal to the flow rate and volume allowed under the original beneficial uses minus the amount sold or marketed for mitigation or aquifer recharge; or

(ii) diverted at a common point of diversion, the entire flow rate and volume of the appropriation is allowed from the common point of diversion."

3. Page 1, line 29 through line 30.
Following: "that" on line 29
Strike: "continues" on page 1, line 29 through "uses" on page 1, line 30
Insert: "will be used for mitigation or aquifer recharge"

And, as amended, do pass.

SB 81, do pass.

STATE ADMINISTRATION (Brown, Chair): 1/23/2019
SB 98, do pass.
SB 101, do pass.
SB 115, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/23/2019

HB 46, introduced by L. Galloway
HB 68, introduced by R. Shaw
HB 72, introduced by M. Marler
HB 88, introduced by K. Abbott
HB 90, introduced by S. Gunderson
HB 96, introduced by F. Garner

HB 99, introduced by F. Garner
HB 143, introduced by N. Duram

House joint resolutions passed and transmitted to the Senate for concurrence: 1/23/2019

HJ 1, introduced by D. Hayman
HJ 3, introduced by F. Mandeville

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 167, introduced by B. Gillespie, referred to Fish and Game.
SB 168, introduced by B. Hoven, referred to Business, Labor, and Economic Affairs.
SB 169, introduced by B. Hoven, referred to Highways and Transportation.
SB 170, introduced by B. Hoven, referred to Taxation.
SB 171, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 172, introduced by M. MacDonald, referred to Judiciary.

The following Senate bill, previously introduced, was referred to committee:

SB 166, introduced by B. Gillespie, referred to Agriculture, Livestock and Irrigation.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 8, introduced by K. Regier, referred to Judiciary.
SR 9, introduced by K. Regier, referred to Judiciary.
SR 10, introduced by K. Regier, referred to Judiciary.
SR 11, introduced by J. Ellsworth, referred to Judiciary.
SR 12, introduced by D. Brown, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 46, introduced by L. Galloway (by request of the Law and Justice Interim Committee), referred to Judiciary.
HB 68, introduced by R. Shaw (by request of the State Electrical Board), referred to Business, Labor, and Economic Affairs.
HB 72, introduced by M. Marler (by request of the Department of Revenue), referred to Taxation.
HB 88, introduced by K. Abbott (by request of the Department of Revenue), referred to Taxation.
HB 90, introduced by S. Gunderson (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 96, introduced by F. Garner (by request of the Public Safety Officer Standards and Training Council), referred to Judiciary.
HB 99, introduced by F. Garner (by request of the Public Safety Officer Standards and Training

Council), referred to Judiciary.
HB 143, introduced by N. Duram, B. Grubbs, W. McKamey, W. Galt, referred to Fish and Game.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 1, introduced by D. Hayman (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.
HJ 3, introduced by F. Mandeville (by request of the State Administration and Veterans' Affairs Interim Committee), referred to State Administration.

MOTIONS

Majority Leader Thomas moved that **SB 47** be taken from the third reading board and re-referred to the Natural Resources Committee. Without objection, so ordered.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McNally in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 77 - Majority Leader Thomas moved consideration of **SB 77** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 54 - Senator Thomas moved **SB 54** do pass.

SB 54 - Senator Malek moved **SB 54**, second reading copy, be amended as follows:

1. Page 3, line 28.
Following: "premiums to an insurance company."
Insert: "An arrangement must be an association of employers that has been in existence for a period of not less than 5 years prior to sponsoring a self-funded multiple employer welfare arrangement, during which time the association has engaged in substantial activities relating to the common interests of member employers, and that continues to engage in substantial activities in addition to sponsoring an arrangement."

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 19

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb.
Total 27

Paired: None.

Excused: Fielder, Osmundson, Phillips, Welborn.
Total 4

Absent or not voting: None.
Total 0

SB 54 - Bill passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb.
Total 27

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: Fielder, Osmundson, Phillips, Welborn.
Total 4

Absent or not voting: None.
Total 0

SB 74 - Senator Vuckovich moved **SB 74** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips, Welborn.
Total 4

Absent or not voting: None.
Total 0

SB 10 - Senator Salomon moved **SB 10** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips, Welborn.
Total 4

Absent or not voting: None.
Total 0

SB 50 - Senator McClafferty moved **SB 50** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips, Welborn.
Total 4

Absent or not voting: None.
Total 0

SB 87 - Senator K. Regier moved **SB 87** do pass.

SB 87 - Senator K. Regier moved consideration of **SB 87** be placed at the bottom of the second reading board. Without objection, so ordered.

SR 1 - Senator Thomas moved **SR 1** be adopted.

SR 1 - Senator Thomas moved **SR 1**, second reading copy, be amended as follows:

1. Page 25, line 9.
Following: "chair"
Insert: "or other member of the Senate"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 43

Nays: Brown, Kary, Vance.
Total 3

Paired: None.

Excused: Fielder, Osmundson, Phillips, Welborn.
Total 4

Absent or not voting: None.
Total 0

SR 1 - Resolution **SR 1**, as amended, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips, Welborn.
Total 4

Absent or not voting: None.
Total 0

SJ 1 - Senator Thomas moved **SJ 1** do pass.

SJ 1 - Senator Barrett moved **SJ 1**, second reading copy, be amended as follows:

1. Page 5, line 4.
Following: "BILL"
Insert: ", the House or Senate majority leader or minority leader, or a member of the committee hearing the bill"

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb.
Total 27

Paired: None.

Excused: Fielder, Osmundson, Phillips, Welborn.
Total 4

Absent or not voting: None.
Total 0

SJ 1 - Joint resolution **SJ 1** passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb.
Total 27

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: Fielder, Osmundson, Phillips, Welborn.
Total 4

Absent or not voting: None.
Total 0

Senator Sesso excused at this time.

SR 2 - Senator Sales moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 2**. Motion carried. Resolution passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 45

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips, Sesso, Welborn.
Total 5

Absent or not voting: None.
Total 0

SR 3 - Senator Sales moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 3**. Motion carried. Resolution passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.

Total 45

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips, Sesso, Welborn.
Total 5

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair McNally moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 44

Nays: Smith F.
Total 1

Paired: None.

Excused: Fielder, Osmundson, Phillips, Sesso, Welborn.
Total 5

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 41 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 45

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Osmundson, Phillips, Sesso, Welborn.
Total 5

Absent or not voting: None.
Total 0

SB 76 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Mr President, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 41

Nays: Brown, Hinebauch, McClafferty, Vance.
Total 4

Paired: None.

Excused: Fielder, Osmundson, Phillips, Sesso, Welborn.
Total 5

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, January 25, 2019, the fifteenth legislative day. Motion carried.

Senate adjourned at 2:30 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FIFTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 25, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator MacDonald. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Fielder, Phillips and Vuckovich, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/25/2019
Correctly printed: **SB 10**, **SB 17**, **SB 20**, **SB 29**, **SB 50**, **SB 54**, **SB 74**, **SB 81**, **SB 94**, **SB 98**, **SB 101**, **SB 104**, **SB 115**, **SB 166**, **SB 167**, **SB 168**, **SB 169**, **SB 170**, **SB 171**, **SB 172**, **SR 8**, **SR 9**, **SR 10**, **SR 11**, **SR 12**, **SJ 1**.
Correctly engrossed: **SB 32**, **SB 45**, **SB 49**, **SB 58**, **SB 68**, **SB 85**, **SB 119**.
Correctly enrolled: **SR 1**, **SR 2**, **SR 3**.
Transmitted to the House: **SB 41**, **SB 76**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 1/24/2019
SB 68, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "PERMITS;"
Insert: "CLARIFYING THE DEFINITION OF PREDATORY ANIMAL FOR AERIAL HUNTING PERMITS; AMENDING SECTIONS 81-7-501 AND 81-7-505, MCA;"

2. Page 1.
Following: line 8
Insert: "Section 1. Section 81-7-501, MCA, is amended to read:

"81-7-501. Aerial hunting prohibited -- exceptions. (1) Except as provided in 81-7-505, a person, except an employee of the state, its subdivisions, or the federal government who is acting within the scope of the person's employment, may not engage in the aerial hunting of predatory animals, as defined in 81-7-101, without first obtaining a permit from the department of livestock. The permit must specify the species of predatory animals to be hunted and the geographic areas over which aerial hunting may take place. <u>For purposes of this section, the term predatory animal as defined in 81-7-101 does not include species managed or protected subject to Title 87.</u>

(2) A person issued a permit as required by this section may not engage in aerial hunting of predatory animals in violation of the terms of the permit, the rules promulgated by the board of livestock, or the terms of this part.""

"Section 2. Section 81-7-505, MCA, is amended to read:

"81-7-505. Resident landowners authorized to aerially hunt over their own lands

without permit -- conditions. Any landowner having residence and domicile in Montana may engage in the aerial hunting of predatory animals, as defined in 81-7-101, over that person's own land without a permit, provided the landowner annually notifies the department in writing that the landowner will be engaged in aerial hunting and gives an adequate description of the location of the land over which the landowner will aerially hunt. Aerial hunting must be in accordance with all rules of the department of livestock. For purposes of this section, the term predatory animal as defined in 81-7-101 does not include species managed or protected subject to Title 87.""
Renumber: subsequent section

And, as amended, do pass.

JUDICIARY (Regier, Chair): 1/25/2019
HB 60, do concur.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/24/2019

HB 67, introduced by T. Winter
HB 84, introduced by K. Sullivan
HB 94, introduced by Z. Brown
HB 98, introduced by F. Garner
HB 106, introduced by S. Gunderson
HB 127, introduced by G. Custer
HB 129, introduced by R. Fitzgerald

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 173, introduced by T. Gauthier, referred to Highways and Transportation.
SB 174, introduced by D. Kary, referred to Fish and Game.
SB 175, introduced by D. Howard, K. Abbott, F. Anderson, D. Ankney, D. Barrett, D. Bartel, B. Beard, D. Bedey, B. Bennett, M. Blasdel, C. Boland, B. Brown, Z. Brown, E. Buttrey, J. Cohenour, W. Curdy, G. Custer, G. DeVries, J. Dooling, K. Dudik, D. Dunn, M. Dunwell, N. Duram, J. Ellis, J. Ellsworth, D. Fern, S. Fitzpatrick, F. Fleming, P. Flowers, J. Fuller, M. Funk, W. Galt, R. Garcia, T. Gauthier, C. Glimm, S. Greef, J. Gross, S. Gunderson, B. Hamlett, D. Harvey, D. Hayman, S. Hinebauch, K. Holmlund, M. Hopkins, B. Hoven, T. Jacobson, J. Karjala, J. Kassmier, K. Kelker, C. Keogh, C. Knudsen, J. Krautter, D. Lenz, D. Loge, M. MacDonald, S. Malek, F. Mandeville, T. Manzella, M. Marler, E. McClafferty, N. McConnell, W. McKamey, T. Moore, S. Morigeau, D. Mortensen, M. Noland, A. Olsen, A. Olszewski, R. Peppers, Z. Perry, G. Pierson, J. Read, A.

Redfield, K. Regier, V. Ricci, T. Richmond, T. Runningwolf, M. Ryan, W. Sales, D. Salomon, D. Sands, C. Schreiner, R. Shaw, L. Sheldon-Galloway, J. Small, F. Smith, S. Stewart Peregoy, K. Sullivan, M. Sweeney, F. Thomas, B. Tschida, B. Usher, S. Vinton, G. Vuckovich, P. Webb, R. Webb, S. Webber, J. Welborn, T. Welch, J. Windy Boy, T. Winter, T. Woods, referred to State Administration.
SB 176, introduced by T. Jacobson, K. Dudik, D. Dunn, R. Fitzgerald, P. Flowers, B. Hoven, L. Jones, J. Karjala, J. Kassmier, C. Knudsen, R. Lynch, R. Peppers, Z. Perry, A. Redfield, T. Runningwolf, W. Sales, R. Shaw, B. Smith, R. Tempel, D. Zolnikov, referred to Agriculture, Livestock and Irrigation.
SB 178, introduced by T. Jacobson, K. Dudik, D. Dunn, R. Fitzgerald, P. Flowers, B. Hoven, L. Jones, J. Karjala, C. Knudsen, R. Lynch, R. Peppers, Z. Perry, A. Redfield, T. Runningwolf, W. Sales, R. Shaw, B. Smith, D. Zolnikov, referred to Taxation.
SB 179, introduced by D. Kary, D. Ankney, B. Beard, M. Blasdel, E. Buttrey, M. Cuffe, J. Ellsworth, F. Fleming, R. Garcia, C. Glimm, D. Harvey, S. Hinebauch, B. Hoven, D. Howard, J. Keane, M. Lang, K. Regier, T. Richmond, C. Smith, G. Vance, R. Webb, J. Welborn, D. Zolnikov, referred to Local Government.

The following Senate bills were introduced and read first time:

SB 177, introduced by T. Jacobson, K. Dudik, D. Dunn, R. Fitzgerald, P. Flowers, B. Hoven, L. Jones, J. Karjala, J. Kassmier, C. Knudsen, R. Lynch, R. Peppers, A. Redfield, T. Runningwolf, W. Sales, R. Shaw, B. Smith, R. Tempel, D. Zolnikov.
SB 180, introduced by J. Pomnichowski.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 13, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 14, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 15, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 67, introduced by T. Winter (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 84, introduced by K. Sullivan (by request of the Department of Revenue), referred to Taxation.
HB 94, introduced by Z. Brown (by request of the Department of Fish, Wildlife, and Parks), referred to Fish and Game.
HB 98, introduced by F. Garner (by request of the Public Safety Officer Standards and Training Council), referred to Judiciary.
HB 106, introduced by S. Gunderson (by request of the Legislative Council), referred to State Administration.
HB 127, introduced by G. Custer, referred to Education and Cultural Resources.
HB 129, introduced by R. Fitzgerald, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Osmundson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 77 - Senator McNally moved **SB 77** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 87 - Senator K. Regier moved **SB 87** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 16

Paired: None.

Excused: Fielder, Phillips, Vuckovich.

Total 3

Absent or not voting: None.
Total 0

SB 83 - Senator Fitzpatrick moved **SB 83** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 22 - Senator R. Webb moved **SB 22** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Tempel, Vance, Webb, Welborn.
Total 25

Nays: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gross, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Pomnichowski, Sands, Sesso, Smith C, Smith F, Thomas, Webber.
Total 22

Paired: None.

Excused: Fielder, Phillips, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 37 - Senator MacDonald moved **SB 37** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 84 - Senator Fitzpatrick moved **SB 84** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Webb, Webber, Welborn.
Total 40

Nays: Gross, Hinebauch, Kary, Keenan, McConnell, Mr President, Vance.
Total 7

Paired: None.

Excused: Fielder, Phillips, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 111 - Senator Blasdel moved **SB 111** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr

President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Chair Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 10 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 50 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 54 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 18

Paired: None.

Excused: Fielder, Phillips, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 74 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Phillips, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SJ 1 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 18

Paired: None.

Excused: Fielder, Phillips, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

MOTIONS

Majority Leader Thomas moved that **SB 84** and **SB 111**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, January 28, 2019, the sixteenth legislative day. Motion carried.

Senate adjourned at 1:46 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SIXTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 28, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Webber. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Fielder excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/28/2019
Correctly printed: **SB 22**, **SB 37**, **SB 77**, **SB 83**, **SB 87**, **SB 173**, **SB 174**, **SB 175**, **SB 176**, **SB 178**, **SB 179**, **SR 13**, **SR 14**, **SR 15**, **HB 60**.
Examined by the sponsor and found to be correct: **SR 1**, **SR 2**, **SR 3**.
Transmitted to the House: **SB 10**, **SB 50**, **SB 54**, **SB 74**, **SJ 1**.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/25/2019

HB 61, introduced by D. Bedey
HB 71, introduced by K. Dudik
HB 156, introduced by J. Dooling

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 181, introduced by J. Gross, referred to Judiciary.
SB 183, introduced by M. Blasdel, referred to Business, Labor, and Economic Affairs.
SB 184, introduced by R. Webb, referred to Judiciary.

The following Senate bills were introduced and read first time:

SB 182, introduced by K. Bogner, M. Cuffe, B. Gillespie.
SB 185, introduced by M. Phillips.
SB 186, introduced by M. Phillips.
SB 187, introduced by M. Phillips.

The following Senate bill, previously introduced, was referred to committee:

SB 180, introduced by J. Pomnichowski, referred to State Administration.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 6, introduced by M. Cuffe, F. Anderson, D. Ankney, D. Bartel, B. Beard, D. Bedey, S. Berglee, M. Blasdel, K. Bogner, B. Brown, D. Brown, T. Burnett, E. Buttrey, G. Custer, G. DeVries, A. Doane, J. Dooling, D. Dunn, N. Duram, J. Ellsworth, J. Esp, R. Fitzgerald, S. Fitzpatrick, F. Fleming, J. Fuller, W. Galt, R. Garcia, F. Garner, T. Gauthier, B. Gillespie, C. Glimm, S. Greef, B. Grubbs, S. Gunderson, B. Hamlett, G. Hertz, S. Hinebauch, M. Hopkins, B. Hoven, D. Howard, L. Jones, D. Kary, J. Kassmier, J. Keane, B. Keenan, C. Knudsen, R. Knudsen, J. Krautter, M. Lang, D. Lenz, D. Loge, F. Mandeville, T. Manzella, W. McKamey, F. Moore, T. Moore, M. Noland, A. Olszewski, R. Osmundson, J. Read, A. Redfield, K. Regier, M. Regier, V. Ricci, T. Richmond, S. Sales, W. Sales, D. Salomon, R. Shaw, L. Sheldon-Galloway, D. Skees, J. Small, C. Smith, R. Tempel, F. Thomas, B. Tschida, B. Usher, G. Vance, S. Vinton, P. Webb, R. Webb, J. Welborn, T. Welch, K. White, D. Zolnikov, referred to Fish and Game.

The following Senate joint resolution was introduced and read first time:

SJ 7, introduced by M. Phillips.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 16, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 17, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 18, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 19, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 20, introduced by K. Regier, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 61, introduced by D. Bedey, B. Mercer, referred to Education and Cultural Resources.
HB 71, introduced by K. Dudik (by request of the Department of Justice), referred to Finance and Claims.
HB 156, introduced by J. Dooling, B. Brown, B. Grubbs, D. Loge, J. Read, W. Sales, M. Sweeney, G. Vuckovich, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olszewski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 32 - Senator Sesso moved **SB 32** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 40

Nays: Blasdel, Ellsworth, Esp, Hinebauch, Howard, Keenan, Mr President, Regier, Vance.
Total 9

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Senator Flowers excused at this time.

SB 58 - Senator Salomon moved **SB 58** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Senator Flowers present at this time. Vote totals for **SB 58** include action taken by Senator Flowers under Order of Business 9, Motions.

SB 94 - Senator Gauthier moved **SB 94** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 29 - Senator Thomas moved **SB 29** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Webb, Webber, Welborn.
Total 36

Nays: Blasdel, Brown, Cuffe, Esp, Hinebauch, Hoven, Kary, Keenan, Mr President, Osmundson, Smith C, Vance, Vuckovich.
Total 13

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 85 - Senator Fitzpatrick moved **SB 85** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon,

Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 104 - Senator R. Webb moved **SB 104** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 44

Nays: Ankney, Brown, Osmundson, Vance, Welborn.
Total 5

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 49 - Senator Cohenour moved **SB 49** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Vance.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 81 - Senator Cohenour moved **SB 81** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Ankney, Esp, Keenan, Vance.
Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Olszewski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 32**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 22 failed as follows:

Yeas: Ankney, Blasdel, Cuffe, Fitzpatrick, Flowers, Gillespie, Hoven, Howard, Jacobson, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Vance, Webb.
Total 20

Nays: Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Gauthier, Gross, Hinebauch, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 29

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 37 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 77 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 83 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon,

Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 87 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sesso, Smith F, Vuckovich, Webber.
Total 17

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Senator Flowers moved to change his vote on **SB 58** from Not Voting to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, January 29, 2019,

the seventeenth legislative day. Motion carried.

Senate adjourned at 2:03 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SEVENTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 29, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Esp. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/29/2019
Correctly printed: **SB 29**, **SB 49**, **SB 58**, **SB 81**, **SB 85**, **SB 94**, **SB 104**, **SB 180**, **SB 181**, **SB 183**, **SB 184**, **SR 16**, **SR 17**, **SR 18**, **SR 19**, **SR 20 SJ 6**.
Transmitted to the House: **SB 37**, **SB 77**, **SB 83**, **SB 87**.
Signed by the Secretary of the Senate at 2:50 p.m., January 28, 2019: **SR 1**, **SR 2**, **SR 3**.
Signed by the President at 8:00 a.m., January 29, 2019: **SR 1**, **SR 2**, **SR 3**.
Delivered to the Secretary of State at 10:10 a.m., January 29, 2019: **SR 1**, **SR 2**, **SR 3**.

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the week:

Garrett Oleson from Helena, sponsored by Senator Ellis
Celine Schaefer from Helena, sponsored by Senator F. Smith
Reese Sjostrom from Malta, sponsored by Senator Lang
Jessa Steele from Manhattan, sponsored by Senator Webb

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/29/2019
SB 126, do pass.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/28/2019
SB 60, do pass.

JUDICIARY (Regier, Chair): 1/29/2019
SB 23, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "vaccinated"
Strike: "against" through "disease" on line 12

2. Page 1, line 12.

Following: "medical"
Strike: ","
Insert: "or"
Following: "religious"
Strike: ", or other"

And, as amended, do pass.

NATURAL RESOURCES (Welborn, Chair): 1/28/2019
SJ 3, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 1/28/2019
SB 59, do pass.
SB 61, do pass.
SJ 2, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/28/2019

HB 55, introduced by F. Mandeville
HB 73, introduced by K. Dudik
HB 123, introduced by A. Doane
HB 124, introduced by F. Mandeville
HB 136, introduced by K. Dudik
HB 175, introduced by J. Dooling
HB 198, introduced by N. Duram

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 188, introduced by S. Malek, referred to Energy and Telecommunications.
SB 189, introduced by D. Barrett, B. Bennett, J. Cohenour, J. Ellis, P. Flowers, M. Phillips, J. Pomnichowski, referred to Energy and Telecommunications.
SB 190, introduced by M. Phillips, D. Barrett, referred to Energy and Telecommunications.
SB 191, introduced by D. Ankney, referred to Energy and Telecommunications.

The following Senate bills, previously introduced, were referred to committees:

SB 185, introduced by M. Phillips, referred to Fish and Game.

SB 186, introduced by M. Phillips, referred to Fish and Game.
SB 187, introduced by M. Phillips, referred to Fish and Game.

The following Senate joint resolution, previously introduced, was referred to committee:

SJ 7, introduced by M. Phillips, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

HB 55, introduced by F. Mandeville (by request of the Department of Environmental Quality), referred to Local Government.
HB 73, introduced by K. Dudik (by request of the State Public Defender), referred to Finance and Claims.
HB 123, introduced by A. Doane, referred to Local Government.
HB 124, introduced by F. Mandeville, referred to Local Government.
HB 136, introduced by K. Dudik, C. Knudsen, D. Sands, referred to Judiciary.
HB 175, introduced by J. Dooling, M. Blasdel, D. Brown, W. Galt, T. Gauthier, G. Hertz, L. Jones, D. Kary, F. Smith, B. Tschida, referred to Finance and Claims.
HB 198, introduced by N. Duram, F. Garner, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Richmond in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 119 - Senator Blasdel moved **SB 119** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 92 - Senator Salomon moved **SB 92** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 37

Nays: Blasdel, Brown, Cuffe, Ellsworth, Fielder, Hinebauch, Howard, Kary, Keenan, Mr President, Smith C, Vance, Webb.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 52 - Senator Sands moved **SB 52** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 20 - Senator R. Webb moved **SB 20** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: McClafferty.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 98 - Senator F. Smith moved **SB 98** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 101 - Senator K. Regier moved **SB 101** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Richmond moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved **SB 52**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 29 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Webb, Webber, Welborn.
Total 38

Nays: Blasdel, Brown, Cuffe, Esp, Fielder, Hinebauch, Keenan, Mr President, Osmundson, Smith C, Vance, Vuckovich.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 49 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Brown, Fielder, Vance.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 58 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 81 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Esp, Fielder, Hinebauch, Mr President, Vance.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 85 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 94 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 104 passed as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 44

Nays: Ankney, Blasdel, Brown, Mr President, Vance, Welborn.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Webb moved the Senate reconsider its action on **SB 22** which failed on third reading the previous day. The motion passed as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 29

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved that **SB 22** be re-referred to the Judiciary Committee. Without objection so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, January 30, 2019, the eighteenth legislative day. Motion carried.

Senate adjourned at 1:52 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
EIGHTEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 30, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Flowers. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/30/2019
Correctly printed: **SB 20**, **SB 59**, **SB 60**, **SB 61**, **SB 92**, **SB 98**, **SB 101**, **SB 119**, **SB 126**, **SB 185**, **SB 186**, **SB 187**, **SB 188**, **SB 189**, **SB 190**, **SB 191**, **SJ 2**, **SJ 3**, **SJ 7**.
Correctly engrossed: **SB 23**, **SB 136**.
Correctly enrolled: **SB 62**.
Transmitted to the House: **SB 29**, **SB 49**, **SB 58**, **SB 81**, **SB 85**, **SB 94**, **SB 104**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 1/30/2019
SB 157, do pass.
SR 13, be adopted.
HB 62, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 1/29/2019
SB 117, do pass.

JUDICIARY (Regier, Chair): 1/30/2019
SB 99, do pass.
SB 136, introduced bill, be amended as follows:

1. Page 2, line 1.
Strike: "(a)"
Following: "~~A~~"
Strike: "Except" through "a"
Insert: "A"

2. Page 2, line 4 through line 6.
Strike: line 4 through line 6

And, as amended, do pass.

HB 46, be concurred in.
HB 89, be concurred in.

HB 117, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 1/29/2019

SB 62, introduced by D. Sands

House bills passed and transmitted to the Senate for concurrence: 1/29/2019

HB 37, introduced by D. Loge
HB 47, introduced by T. Moore
HB 56, introduced by J. Keane
HB 78, introduced by Z. Perry
HB 110, introduced by R. Lynch
HB 119, introduced by D. Loge
HB 145, introduced by D. Zolnikov
HB 155, introduced by C. Knudsen
HB 206, introduced by F. Garner
HB 237, introduced by J. Krotkov

House joint resolution passed and transmitted to the Senate for concurrence: 1/29/2019

HJ 5, introduced by K. Dudik

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 192, introduced by M. Lang, referred to Judiciary.
SB 193, introduced by J. Cohenour, B. Bennett, C. Boland, M. MacDonald, E. McClafferty, M. McNally, D. Sands, referred to Highways and Transportation.
SB 194, introduced by J. Cohenour, B. Bennett, C. Boland, P. Flowers, M. MacDonald, E. McClafferty, M. McNally, J. Pomnichowski, D. Sands, referred to Highways and Transportation.
SB 195, introduced by J. Cohenour, C. Boland, M. MacDonald, E. McClafferty, M. McNally, J. Pomnichowski, D. Sands, referred to Energy and Telecommunications.
SB 196, introduced by D. Sands, B. Tschida, referred to Highways and Transportation.
SB 197, introduced by J. Welborn, R. Shaw, T. Welch, referred to Education and Cultural Resources.

The following Senate bills, previously introduced, were referred to committees:

SB 159, introduced by K. Regier, referred to Public Health, Welfare and Safety.
SB 177, introduced by T. Jacobson, K. Dudik, D. Dunn, R. Fitzgerald, P. Flowers, B. Hoven, L. Jones, J. Karjala, J. Kassmier, C. Knudsen, R. Lynch, R. Peppers, A. Redfield, T. Runningwolf, W. Sales, R. Shaw, B. Smith, R. Tempel, D. Zolnikov, referred to Agriculture, Livestock and Irrigation.
SB 182, introduced by K. Bogner, M. Cuffe, B. Gillespie, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 8, introduced by D. Barrett, B. Bennett, J. Ellis, P. Flowers, J. Gross, M. MacDonald, E. McClafferty, N. McConnell, M. McNally, M. Phillips, J. Pomnichowski, D. Sands, J. Sesso, F. Smith, G. Vuckovich, S. Malek, S. Webber, referred to Energy and Telecommunications.
SJ 9, introduced by J. Pomnichowski, M. Blasdel, W. Galt, S. Sales, B. Tschida, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 37, introduced by D. Loge (by request of the Department of Transportation), referred to Highways and Transportation.
HB 47, introduced by T. Moore (by request of the Department of Justice), referred to Judiciary.
HB 56, introduced by J. Keane (by request of the Environmental Quality Council), referred to Natural Resources.
HB 78, introduced by Z. Perry (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
HB 110, introduced by R. Lynch (by request of the Supreme Court), referred to Judiciary.
HB 119, introduced by D. Loge (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 145, introduced by D. Zolnikov, C. Knudsen, Morigeau, referred to Judiciary.
HB 155, introduced by C. Knudsen, B. Beard, S. Berglee, A. Doane, L. Galloway, W. Galt, F. Garner, R. Lynch, S. Morigeau, Z. Perry, D. Zolnikov, M. Blasdel, referred to Judiciary.
HB 206, introduced by F. Garner, referred to Energy and Telecommunications.
HB 237, introduced by J. Krotkov, F. Anderson, C. Schreiner, referred to Finance and Claims.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 5, introduced by K. Dudik, Z. Brown, J. Cohenour, C. Knudsen, R. Lynch, M. MacDonald, D. Mortensen, J. Welborn, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sands in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 68 - Senator Gillespie moved **SB 68** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Mr President, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Barrett, Gross, McClafferty, Phillips, Smith F.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 4 - Senator Olszewski moved **SB 4** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 7 - Senator Olszewski moved **SB 7** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Fielder, Malek, Mr President.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 45 - Senator Cohenour moved **SB 45** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 32

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Keenan, Lang, Mr President, Osmundson, Regier, Small, Smith C, Vance.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 115 - Senator Kary moved **SB 115** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber,

Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 60 - President Sales moved **HB 60** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Sands moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon,

Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 7**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 20 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 92 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 38

Nays: Blasdel, Brown, Cuffe, Ellsworth, Fielder, Howard, Kary, Keenan, Mr President, Smith C, Vance, Webb.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 98 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 101 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 119 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, January 31,

2019, the nineteenth legislative day. Motion carried.

Senate adjourned at 1:38 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
NINETEENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
January 31, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Welborn. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Sesso excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 1/31/2019
Correctly printed: **SB 4**, **SB 45**, **SB 68**, **SB 99**, **SB 115**, **SB 117**, **SB 157**, **SB 159**, **SB 177**, **SB 182**, **SB 192**, **SB 193**, **SB 194**, **SB 195**, **SB 196**, **SB 197**, **SJ 8**, **SJ 9**, **SR 13**, **HB 46**, **HB 60**, **HB 62**, **HB 89**, **HB 117**.
Correctly engrossed: **SB 161**.
Examined by the sponsor and found to be correct: **SB 62**.
Transmitted to the House: **SB 20**, **SB 92**, **SB 98**, **SB 101**, **SB 119**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 1/30/2019
SB 12, do pass.

LOCAL GOVERNMENT (Lang, Chair): 1/30/2019
SB 161, introduced bill, be amended as follows:

1. Page 1, line 17.
Strike: "and"

2. Page 1, line 19.
Following: "district"
Insert: "; and
(3) the person runs unopposed for the board of directors of a water and sewer district position and the board of trustees of a rural fire district position. For the purposes of this subsection, "unopposed" means the number of candidates for each board of directors or board of trustees is equal to or less than the number of positions available on each respective board"

And, as amended, do pass.

SB 163, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/30/2019

HB 19, introduced by S. Stewart Peregoy
HB 29, introduced by T. Manzella
HB 38, introduced by D. Loge
HB 51, introduced by J. Bachmeier
HB 59, introduced by R. Lynch
HB 64, introduced by B. Grubbs
HB 66, introduced by T. Moore
HB 69, introduced by K. Kelker
HB 74, introduced by S. Vinton
HB 102, introduced by G. Pierson
HB 107, introduced by S. Morigeau
HB 126, introduced by G. Custer
HB 137, introduced by K. Dudik
HB 151, introduced by R. Fitzgerald
HB 159, introduced by B. Grubbs

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 198, introduced by J. Ellsworth, S. Hinebauch, referred to Local Government.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 21, introduced by B. Hoven, referred to Agriculture, Livestock and Irrigation.
SR 22, introduced by B. Hoven, referred to Agriculture, Livestock and Irrigation.
SR 23, introduced by J. Welborn, referred to Natural Resources.
SR 24, introduced by J. Welborn, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 29, introduced by T. Manzella (by request of the Environmental Quality Council), referred to Fish and Game.
HB 38, introduced by D. Loge (by request of the Department of Transportation), referred to Highways and Transportation.
HB 51, introduced by J. Bachmeier (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 59, introduced by R. Lynch (by request of the Economic Affairs Interim Committee), referred to Business, Labor, and Economic Affairs.

HB 64, introduced by B. Grubbs (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 66, introduced by T. Moore (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 69, introduced by K. Kelker (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
HB 74, introduced by S. Vinton (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 102, introduced by G. Pierson (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 107, introduced by S. Morigeau (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
HB 126, introduced by G. Custer, referred to State Administration.
HB 137, introduced by K. Dudik, Z. Brown, K. Kelker, G. Pierson, V. Ricci, D. Sands, referred to State Administration.
HB 151, introduced by R. Fitzgerald, referred to Agriculture, Livestock and Irrigation.
HB 159, introduced by B. Grubbs, F. Anderson, D. Bedey, M. Blasdel, Z. Brown, N. Duram, R. Fitzgerald, J. Fuller, W. Galt, D. Hayman, G. Hertz, M. Hopkins, L. Jones, J. Karjala, J. Kassmier, J. Keane, K. Kelker, W. McKamey, F. Thomas, B. Tschida, T. Welch, referred to Finance and Claims.

The following House Bill was introduced and read first time:

HB 19, introduced by S. Stewart Peregoy, Dudik (by request of the Economic Affairs Interim Committee).

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Malek in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 60 - Senator Salomon moved **SB 60** do pass.

SB 60 - Senator Small moved **SB 60**, second reading copy, be amended as follows:

1. Title, page 1, line 10.
Strike: "REPEALING" through "PROGRAM;"

2. Title, page 1, line 13.
Following: "20-26-604,"
Insert: "AND"

Strike: "20-26-621" through "20-26-623,"

3. Page 10.
Strike: line 2 through line 4 in their entirety

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn.
Total 41

Nays: Blasdel, Cuffe, Fielder, Hinebauch, Lang, Mr President, Regier, Webb.
Total 8

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SB 60 - As amended, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 44

Nays: Ellsworth, Fielder, Hinebauch, Howard, Keenan.
Total 5

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SB 23 - Senator K. Regier moved **SB 23** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb, Welborn.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Smith F, Tempel, Vuckovich, Webber.
Total 19

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SB 126 - Senator Thomas moved **SB 126** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 36

Nays: Boland, Cohenour, Ellis, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, Pomnichowski, Smith F, Vuckovich, Webber.
Total 13

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Malek moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 60**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 4 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SB 45 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Smith F, Vuckovich, Webber, Welborn.
Total 29

Nays: Blasdel, Brown, Cuffe, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Osmundson, Regier, Small, Smith C, Tempel, Thomas, Vance, Webb.
Total 20

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SB 68 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Barrett, Gross, McClafferty, Phillips, Pomnichowski, Smith F.
Total 6

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SB 115 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

HB 60 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 175** be taken from the State Administration Committee

and re-referred to the Highways and Transportation Committee. Without objection, so ordered.

ANNOUNCEMENTS

President Sales announced the Senate would meet in session on Saturday, February 2, 2019.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 6:45 p.m. and reconvene at that time for the State of the State address. Motion carried.

Senate recessed at 1:42 p.m.

****

President Sales called the Senate back to order at 6:45 p.m.

MOTIONS

Majority Leader Thomas moved the Senate recess and proceed to the House of Representatives to meet in joint session to receive the Governor's State of the State Address. Upon adjournment of the joint session, the Senate will be adjourned until the hour of 1:00 p.m., Friday, February 1, 2019. Motion carried.

THE SENATE IN JOINT SESSION WITH THE HOUSE OF REPRESENTATIVES

Members of the Senate were admitted into the House chamber by Sergeant-at-Arms Murfitt. President Sales assumed the chair.

MOTIONS

Majority Leader Thomas moved the Senate and House of Representatives resolve into a joint session for the purpose of receiving the State of the State Address from the Honorable Steve Bullock, Governor of the State of Montana. Motion carried.

Majority Leader Thomas moved the President be authorized to appoint a committee of four to notify Governor Bullock that the Senate and House of Representatives are in joint session and ready to receive his address. Without objection, President Sales appointed Senators Barrett and Gauthier and Representatives Bessette and Ricci as the committee to escort Governor Bullock into the chambers.

Colors were posted by the members of the Montana Joint Forces Headquarters Color Guard.

National anthem by the Helena Youth Chorus. Invocation by Father Tom Haffey; Tribal Prayer by Jason Smith, Director of the Governor's Office of Indian Affairs.

Sergeant-at-Arms Spencer admitted Governor Bullock into the House chambers where he presented the following address:

Montana Governor Steve Bullock
2019 State of the State Address
Thursday, January 31, 2019

Mr. President, Mr. Speaker, Members of the 66th Legislature; Lt. Governor Mike Cooney, honored members of the judiciary, other elected officials and tribal leaders; members of the cabinet and my coworkers; my beloved wife Lisa, and our three kids - Caroline, Alex, and Cameron; and my fellow Montanans.

Thank you for the honor of inviting me into the People's House for my fourth, and final, State of the State address. As has been the case each of the previous times, it is a humbling privilege to stand before you as Montana's 24th governor.

Six years ago, I stood at this very spot and introduced myself by saying, "My name is Steve, and I work for the State." I told you I would work hard every day, guided by my values, to protect the state that gave me the opportunity in life to go from delivering newspapers to the governor's house as a child, to living and raising our three children in it.

The sounds in the Bullock household have changed over those six years. The sounds of young children laughing and playing have turned into silent eyerolls and exasperated sighs of embarrassment, as those three children have grown into teenagers. While my Dad jokes are awesome... apparently being governor is no longer as cool as it used to be.

Though the household sounds may have changed, they are still a constant reminder to me of the reason I show up for work each day. My family has always shaped my perspective in public office. Because as a father I want my kids, and all Montana kids, to have every opportunity I had growing up here and more.

Six years after our family moved into the governor's residence, six years after I first had the honor of standing before this body, I am pleased to report the state of our state is stronger than ever.

***

The first time I stood at this rostrum in 2013 I spoke of all the work we had to do, and also of the tremendous opportunities that lie ahead.

At that time, our unemployment rate was 5.6%. Now it's at its lowest in a decade, at 3.7%. More people are working than ever before in our state's history. We've added almost 34,000 private sector jobs since January 2013, while we have fewer state employees today than when I took

office.

And real wages are on the rise. Today, the average Montana worker earns 108 dollars more each and every week than they did six years ago. That's real money.

Families are climbing the ladder of opportunity to the middle class. Montana's middle-class households grew more than any other state between 2013 and 2016. In 2017 our median household income grew nearly two and a half times the national average, at the fastest rate in the country.

Business is booming, and it's no surprise. Since 2013 we've repealed or revised hundreds of regulations and removed red tape. We cut the business equipment tax for every Montana business, and eliminated it for other businesses operating in the state.

We see Montana's economic success directly in our communities. Fifteen months ago, we began working with ClassPass, a fitness tech startup, as they were deciding among 29 states where to expand their New York and San Francisco operations. They chose Missoula, Montana.

Originally planning to hire 50 people, we recently celebrated the hiring of their 100th. And the CEO tells me they plan to hire another hundred in Montana this year.

This economic success is not just confined to the urban areas. We see it in our rural communities as well. Ticketprinting.com has 100,000 customers, and is the leading company in the world for event and raffle ticket printing, and it has a customer service team that works remotely from places like Columbus, Big Timber, and the suburbs of Two Dot.

We see it on our Native American reservations. In the past six years we've made it easier for businesses located within our tribal nations to work with customers and businesses across our state. And we have funded nearly 120 businesses that have created or retained 220 jobs through the Indian Equity Fund.

We also see it on our farms and in our forests. We rank near the top in barley, wheat and organic production, and lead the nation in pulse crops, doubling the acreage since 2013. Because of the Forests in Focus program, we produced nearly 200 million board feet of timber in the last 4 years, retaining over 3,000 jobs in the forests products sector, and are now working across landscapes, state, federal, tribal and private.

We see that economic success in our outdoors. Our clean air, clean water and public lands are our way of life and a key economic driver. Our outdoor economy generates over 7 billion dollars a year in consumer spending and sustains 71,000 jobs.

And we see it in our vibrant towns. Since my time in office, we've helped over 15,000 small businesses expand their footprint through economic development tools created under Governor Racicot. These programs have supported more than 12,000 jobs and are up for renewal this year. I encourage you to continue and strengthen this legacy...for our small businesses, and for

the long-term strength of our economy.

Montana has extraordinary economic strengths. The fabric of our communities - our schools, our families, our outdoors, our Main Streets - contribute to our unparalleled quality of life. Together, we can do more to ensure all our cities and towns make up the best state to live, work, start a business and raise a family.

***

The most important investments we make as public servants will impact Montana long after we have completed our time in office. Foremost among them is ensuring that our kids, students and workers have a world-class education.

Public education is one of our state's great equalizers. I would not be standing here today if it wasn't for our state's public schools. No matter who you are, where you come from, or what your background is, our schools open the doors of opportunity to all Montanans.

When I first stood at this rostrum in 2013, I said that we not only needed better jobs, but better schools too.

At that time, just 2500 students were taking dual enrollment classes. Today, more than 6,000 high school students are taking college classes, saving Montana families 5 million in tuition each year. And this past fall, with the assistance of the University System, I launched the "1-2-Free" Dual Enrollment Program so that high school students can take their first two college classes without paying a single penny in tuition.

Back in 2013, less than three-quarters of school districts had access to high-speed internet. Today 98% of districts are connected to high-speed internet, at less than half the cost. Teachers are using 21st century technology to prepare students in an increasingly technology-driven society.

In 2013, Breakfast After the Bell was almost unheard of, and over 20% of kids across Montana were considered to be food insecure. Since then, over one-third more income eligible students are getting school breakfast. And we joined with private sector partners in expanding Breakfast After the Bell to well over 100 new schools.

I want to thank those partners, and my wife Lisa, for all your efforts to end childhood hunger.

In 2013, not a single one of our two-year or tribal colleges was offering apprenticeships with on-the-job training to connect students to good-paying jobs. We now have apprenticeship coursework in seven out of ten two-year colleges, and in five of seven tribal colleges.
And for our veterans, we've expanded opportunities to get college credit for prior learning gained through their military service.

In 2013, states around the country were slashing university budgets and saddling students with steep tuition increases. Instead, we have increased investments in higher education while

freezing college tuition four of the last six years; leading to Montana having the fourth lowest tuition and fees in the nation.

We have worked together - across the aisle, across rural and urban, and in partnership with communities, school districts and the University System - to make record investments in our educational system, offering students the tools they need to succeed.

Let's build upon the progress we've made, starting with our youngest learners. Last session, lawmakers from both sides of the aisle worked to provide 6 million dollars to establish the STARS Preschool Pilot.

Part of the premise behind the pilot was to learn whether this would work in our smaller communities. Until Wibaux had a STARS Preschool option, even the closest childcare provider was 30 miles away. In Lewistown, I met a woman who told me she made too much money to qualify for Head Start but couldn't afford to have her son in the kind of quality program that would give him a great start. If it weren't for STARS Preschool, she'd have to drop out of the workforce to take care of her children.

In the first year of the pilot - 17 programs serving our largest towns like the Head Start in Billings to some of our smallest like Troy Public Schools - 93% of the participating preschoolers walked out ready for kindergarten. And we know - not just from Montana's experience but from the other 44 states prioritizing publicly funded preschool - that for every dollar invested there is a seven-dollar return, in reduced criminal justice and social services costs, and increased earnings.

Quality preschool is an investment in our children, in our workforce and for our business community. I'm pleased that the Washington Companies, First Interstate Bank, BNSF, Zoot Enterprises, and other major businesses are forming the Montana Coalition for School Readiness, and will be urging this 66th legislature to make a substantial state investment in quality pre-K.

They, and we, know preschool works. I ask you to invest 30 million dollars over the next two years - 22 million for public schools through the school funding formula and 8 million for Head Starts and private and community providers through the STARS program. Let's provide kids and families in rural and urban areas access to high-quality, voluntary, affordable preschool options.

The future leaders of our state deserve no less. And let's not stop there.

Let's once again freeze in-state college tuition and prevent what is effectively a tax increase on 28,000 Montana students and their families.

And let's finally join 49 other states providing state-funded, need-based financial aid for students and adult learners. If we are willing to provide 5 million dollars for need-based aid, the university foundations will match our investment, better opening the doors of access to higher education to all Montanans.

These investments - from preschool to higher education - don't just make a difference today. They will determine for decades to come the economic success of Montana students, workers and families.

***

Another opportunity we have to impact the lives of Montanans is improving the health of Montanans, our businesses, and our economy.

When I first stood at this rostrum in 2013, I asked that we transform the way we deliver healthcare, so we can create jobs and take care of those who need our help the most.
At that time, our state's uninsured rate was at a staggering 20%; it is now the lowest it's ever been at under 8%.

In 2013, we were investing just 75 million dollars annually in community-based mental health, substance use treatment, and services for children, seniors and people with disabilities. Today, we are making record investments in these services, over 135 million each year, plus serving an additional 14,000 adults, children, and people with disabilities.

We nearly doubled the number of Substance Use Treatment providers, while expanding access to 135 locations across our state.

And Montanans now receive equal treatment under their healthcare plans for mental health, as they do for physical health.

In 2013, there was no consistency in what the State was charged for medical care. At one facility, the State was charged 105,000 dollars for a knee replacement of a state employee - six times more than it would cost on Medicare. Through referenced-based pricing, we've now made medical costs more predictable, consistent and comparable among facilities. As a result, taxpayers have saved over 13 million dollars in state health plan costs in less than two years.

I will never forget a visit to Choteau for a community meeting during the 2015 session. I remember the hospital administrator telling me that 42% of the people that walked through their hospital doors didn't have insurance. And the Chair of the County Commission, Joe Dellwo, telling me how that hospital had saved his life, and that, if they lost that hospital, they could well lose their community.

In 2015 we came together and passed one of the most innovative Medicaid expansion programs in the nation. We require those receiving healthcare to have skin in the game and collect around 5 million dollars in premiums each year. And unlike every other program in the nation, we offer those receiving healthcare an opportunity to improve their lives and their employment by connecting with our Department of Labor.

Just as our program is unique to the nation, so too are its results. No other state has increased labor force participation like we have because of our HELP-Link program. The work done in Montana - our work - is a national model that other states are looking to adopt.

Now if I told you I had a business coming to Montana that would create between 5,900 and 7,500 jobs in every corner of this state - that would infuse over 350 million dollars of new personal income into our state - you would all tell me that sounds pretty darned good.
Well, that's exactly what Medicaid expansion has done and will continue to do. And it has also done so much more.

That hospital in Choteau remains open today. In states that didn't expand Medicaid, rural hospitals have been closing at a rate six times greater than those that did. We haven't lost one, and uncompensated care is down 50% statewide.

Through the expansion we passed in 2015, we are providing more than just basic health care. Over 33,000 of our friends and neighbors have received mental health services. Almost 10,000 have been treated for substance abuse.

It is that healthcare, physical and mental, that allows people to work. We know in 2017, seven out of 10 Montanans on Medicaid expansion were employed while enrolled. Those who are not employed are growing in their careers through school or workforce training, caregivers for a family member, or are sick or disabled themselves.

It doesn't make sense to me that when we have a nationally recognized model that is helping people succeed in today's economy, we'd consider any measures that take health coverage away from working folks; measures that cost more to administer than provide the services in the first place; or measures that won't pass muster in the courts.

And Medicaid expansion benefits businesses in every county - all 56 across Montana - in every industry, and of every size.

Montana legislators reflect the businesses in our state. Some of you own restaurants, fast food chains, or grocery stores. Some of you own construction companies or hotels. And many of you own small businesses.

Almost 9 out of 10 hotel and restaurant businesses here rely on Medicaid expansion to provide healthcare for at least some of their employees. Two-thirds of our Montana businesses in retail and over half of our construction firms rely on Medicaid. In total, nearly 18,000 Montana businesses had one or more of their employees enrolled in Medicaid expansion in 2017.

I have listened to concerns from legislators on both sides of the aisle about the need to provide sufficient mental health funding. Without expansion, kiss those gains goodbye. I hear from you the need to support rural communities. The rural hospitals we are sustaining keep those communities viable.

I have heard about the need to support our businesses. With almost 3 out of every 5 of Montana businesses relying on Medicaid to provide healthcare for at least some of their employees, you aren't supporting our businesses big and small if you roll back the gains we made with expansion.

It is critical that we remove the sunset on Medicaid expansion. That we protect the healthcare for 95,000 of our family, friends and neighbors. That we protect our rural hospitals. And our economy.

Beyond Medicaid, Montanans hope and expect that being covered by health insurance will protect them from financial ruin if they are sick or injured. But sometimes, even having health insurance coverage isn't enough. We can do more.

I am asking you to lower premiums by as much as 20% for Montanans covered by individual health insurance by passing Senate Bill 125 to create a state reinsurance program.

And Montanans should expect to know what they will be paying for and how much the bill will be, even before they receive medical care. House Bill 152 would protect us from "surprise" medical bills that are all too frequent.

Finally, it makes no sense that pharmacists can't tell their patients when there is a different brand of medicine that would cost less than even their copay. That's why we are proposing a measure to put this practice by pharmacy benefit managers to an end.

We have the opportunity - not only to protect the progress we've made improving the health of Montanans and our economy - but to build on that progress.

***

The long-term health of our communities also depends on whether or not they are able to sustain the strong economic growth Montana has experienced in recent years.

When I first stood at this rostrum in 2013, I asked you to take advantage of historically low interest rates, invest in infrastructure, and immediately create thousands of jobs across our state.

We have now gone six years without passing a major infrastructure package. When you take into account increased inflationary costs and borrowing rates, 100 million dollars worth of infrastructure delayed from 2013 would now cost us 154.5 million. Don't kid yourself. This will only increase over time.

That's not to say we haven't made progress. Over the past six years we have invested 300 million in our communities and at our colleges to ensure, at the very least, we don't fall further behind.

Those investments have gone to upgrade water, sewers, schools and bridges in all 56 counties. Every single county in our state has gotten a piece of the pie.

Yet, when it comes to a major infrastructure package, each time we have fallen a couple votes short. The failure isn't because of lack of interest, or lack of need - it is because of the two-thirds vote required for bonding. This wasn't always the case. Republican Governors

Stephens, Racicot, Martz - with mostly Republican-led legislatures, all passed bonding measures. And it is time you do as well.

What I've proposed is a 290 million dollar investment in infrastructure.

In crafting this proposal, I have listened to your concerns. I heard you tell me that too much goes to buildings and not enough to base infrastructure. I've proposed more money for horizontal infrastructure - water, sewer, solid waste disposal, bridges and broadband - than buildings.

I have heard you tell me that not enough money goes to rural areas. I included a 44 million dollar grant program for Montana's natural resource communities, largely in Northern and Eastern Montana, that are impacted by fossil fuel development.

Look, I understand some of you don't like the idea of upgrading our historical society or Romney Hall, the University System's number one priority. Yet, I believe you also understand that both upgrades are desperately needed and both are institutions that we - you and I - are responsible for taking care of. And, because of legislative inaction, both are frankly embarrassments.

Even if, despite the demonstrated need, you don't like those buildings, recognize this. If we are ever going to break this logjam, we have to provide for rural and urban, for our public institutions and for our smaller communities that cannot pay for their own water and sewer upgrades.

We rank 47th in state debt, per capita. Other states have chosen to incur reasonable borrowing rather than passing on crumbling infrastructure to their kids. We are out of step with the rest of the country.

Break the logjam. This session, let's deliver infrastructure for Montana for now and for future generations of Montanans.

***

Now, you and I both know that the distance between Helena, Montana and Washington, DC is measured by more than the 2,150 geographical miles. We see each other as neighbors first.

When making political decisions we still share a common set of facts.

By and large, we treat one another with respect, even when we disagree. Our politics are more than a sport or a zero-sum game. You don't have to hold a town hall meeting to hear what's on people's minds. I know, like me, you hear it wherever you go - at the grocery store, at church, at high school sporting events.

And our campaign contribution limits are among the lowest in the nation and will stay that way, because the U.S. Supreme Court recently rejected a challenge to those limits.

When I stood at this rostrum in 2013, I asked the members of this body to help me preserve the integrity of our elections and guarantee that our elections will never be auctions. Dark money and outside spending on our state elections was rampant in Montana, thanks to the 2010 Citizens United decision.

Whether you supported it at the time or not, I hope all members of this body take pride in the fact that, because of the DISCLOSE Act of 2015, many of those dark money groups have folded up their tent and left our state.

And, for those that remain, dark money groups can no longer hide behind their tax status and have to report their spending during the last ninety days of our state elections. We should all celebrate that our elections are more transparent, and closer to our citizens, than perhaps any other state in the nation.

Just as Montanans now know who is attempting to influence our elections, Montanans should also know that the source of that money isn't coming from foreign countries. I'm asking this body to pass a law expressly outlawing foreign spending in our state elections. It's a glaring omission that we don't have a foreign money ban, as other states have already protected their elections.

Montanans expect that their government will work for them - Montanans, Americans - not anyone else.

***

Education. Healthcare. Infrastructure. In these and other areas, Montanans elected us to govern and to serve. To make decisions that do good, rather than do harm.

A little over one year ago, lawmakers were in the hallways of this Capitol for my first, and only, special session. You relayed to me in the months that followed that the cuts - which many of you in this chamber voted for, and made permanent - resulted in harmful, real-life consequences for Montanans all across our state.

Just as I have every session, I'm eager to work with Democrats and Republicans to ensure we pass a budget that is balanced and fiscally responsible. But let's make sure the consequences of 2017, and the resulting special session, will serve as lessons learned, not lessons repeated, moving forward.

I will insist on a 300 million dollar reserve for unforeseen circumstances.

The difference between reserving 300 million instead of 200 million is one bad fire season, or a 1.3% error in revenue estimating over the next two and a half years. It's the impact of things we can't control, like government shutdowns and trade wars, market volatility and investor anxiety.

A 300 million dollar reserve - one that's accessible, not requiring we decimate government services before these funds become available - safeguards us from those factors beyond our

control, and from repeating past mistakes of eliminating services that our fellow Montanans rely upon.

To make sure we have that money in the bank, I'm requesting changes that reflect Montana's changing economy by increasing the revenue the state receives from hotel guests, car rentals, investment licenses, tobacco products, and hard liquor.

Let's craft a budget that is balanced, funds the services Montanans expect, and leaves money in the bank for unexpected things that might come our way. Don't send me a budget where the cuts aren't realized until after you adjourn, and don't send me a budget where I'll have to make the cuts due to the failure of this legislature to leave money in the bank. Because, if you do, I will send it back.

I believe the budget I have proposed is a reflection of the values we hold as Montanans. It is a reflection of all of the progress we've made as a state these past six years and seeks to build upon that progress with responsible investments in areas Montanans expect.

And it is a reflection of my optimism that we can create a brighter future for everyone fortunate enough to call themselves a Montanan.

***

I am an optimist. Six years ago, I walked into this job hopeful and determined. And tonight, I am no less optimistic than I was the first time I stood before you.

In my very first State of the State I implored this body to act like our kids are watching and learning from our words and our deeds. Because they are.

I'm optimistic...that we can be role models that inspire the next generation. And if some leaders fall short, I am optimistic that our friends and neighbors, our fellow Montanans, will demand better.

I'm optimistic...that we can demonstrate, while we may have our differences at times, Republicans and Democrats can still work together in Montana to get things done, without shutting down our government.

I'm optimistic...that we can base our decisions not only on today's needs, but with an eye toward improving the Montana our kids and grandkids - future legislators and governors - will inherit.

I'm optimistic...because Montana...this place, its people, its purpose...built for me a world where the improbable was achievable. That's a story each of us understands, because it's our story. Every kid growing up in Montana deserves that same promise of opportunity.

***

As we come together this session, the state of our state is strong. We as Montanans are strong. And by working together, by following the course we've set, we'll ensure that the Montana our kids and grandkids inherit is stronger than ever before.

Thank you, God bless you, God bless Montana, and God bless the United States of America.

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Sergeants-at-Arms Spencer and Murfitt escorted the Governor and guests from the House chamber.

MOTIONS

Majority Leader Thomas moved the joint session be adjourned. Motion carried. Joint session adjourned at 7:50 p.m.

Senate is adjourned until the hour of 1:00 p.m., Friday, February 1, 2019.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
TWENTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 1, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Brown. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Sesso excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/1/2019
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the eleventh through the fifteenth legislative days, find the same to be correct.

Correctly printed: **SB 12**, **SB 23**, **SB 126**, **SB 163**, **SB 198**, **SR 21**, **SR 22**, **SR 23**, **SR 24**.
Correctly engrossed: **SB 60**, **SB 91**, **SB 133**.
Transmitted to the House: **SB 4**, **SB 45**, **SB 68**, **SB 115**, **HB 60**.
Signed by the Secretary of the Senate at 3:20 p.m., January 31, 2019: **SB 62**.
Signed by the President at 7:45 a.m., February 1, 2019: **SB 62**.
Signed by the Speaker at 8:15 a.m., February 1, 2019: **SB 62**.
Delivered to the Governor at 8:49 a.m., February 1, 2019: **SB 62**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 1/31/2019
SB 91, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "CIRCUMSTANCES;"
Strike: "AND"

2. Title, page 1, line 6.
Following: "61-10-128, MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 30.
Following: "loading"
Insert: "or point of unloading"

4. Page 2, line 2.
Following: line 2
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass.

SB 133, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "BOARD;"
Insert: "PROHIBITING LIVESTOCK LOSS MITIGATION PAYMENT WITHOUT PROOF OF PER CAPITA FEE PAYMENT;"

2. Page 2, line 9.
Following: "15-24-921."
Insert: "A livestock producer may not receive a reimbursement for losses if the producer has not paid the previous year's per capita fee."

And, as amended, do pass.

FISH AND GAME (Fielder, Chair): 1/31/2019
SB 70, do pass.
SB 79, do pass.
SB 144, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/31/2019

HB 50, introduced by J. Krautter
HB 85, introduced by G. DeVries
HB 91, introduced by V. Ricci
HB 160, introduced by B. Tschida
HB 166, introduced by M. Dunwell
HB 183, introduced by K. Dudik
HB 200, introduced by M. Dunwell
HB 201, introduced by M. Dunwell
HB 213, introduced by L. Jones
HB 234, introduced by J. Karjala

HB 244, introduced by S. Gunderson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

1/31/2019

Yeas - 61
Nays - 38

HB 245, introduced by S. Gunderson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

1/31/2019

Yeas - 60
Nays - 39

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced and read first time:

SB 199, introduced by T. Richmond.
SB 200, introduced by R. Webb.

The following House bills were introduced, read first time, and referred to committees:

HB 50, introduced by J. Krautter (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.
HB 85, introduced by G. DeVries (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 91, introduced by V. Ricci (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 160, introduced by B. Tschida, G. DeVries, R. Lynch, referred to Business, Labor, and Economic Affairs.
HB 166, introduced by M. Dunwell, referred to State Administration.
HB 183, introduced by K. Dudik, referred to State Administration.
HB 200, introduced by M. Dunwell, referred to Taxation.
HB 201, introduced by M. Dunwell, referred to Taxation.
HB 213, introduced by L. Jones, K. Bogner, R. Fitzgerald, B. Gillespie, B. Hamlett, T. Richmond, R. Tempel, S. Webber, referred to Taxation.
HB 234, introduced by J. Karjala, referred to State Administration.
HB 244, introduced by S. Gunderson, referred to Judiciary.
HB 245, introduced by S. Gunderson, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Cuffe in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 157 - Senator Olszewski moved **SB 157** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Brown, Kary, Vance.
Total 3

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SB 99 - Senator C. Smith moved **SB 99** do pass. Motion **failed** as follows:

Yeas: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb.
Total 24

Nays: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 25

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SB 99 - Majority Leader Thomas moved **SB 99** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally,

Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Bogner, Brown, Ellsworth, Fielder, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Regier, Smith C, Thomas, Vance, Webb.
Total 18

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SR 13 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 13**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

HB 46 - Senator Sands moved **HB 46** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber,

Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

HB 62 - Senator Gauthier moved **HB 62** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

HB 89 - Senator Gross moved **HB 89** be concurred in. Senator McConnell expressed a conflict before voting. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

HB 117 - Senator Hinebauch moved **HB 117** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SB 117 - Senator D. Brown moved **SB 117** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Salomon, Sands, Vuckovich, Webber.
Total 18

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Cuffe moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 23 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich,

Webber.
Total 20

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SB 126 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 38

Nays: Boland, Cohenour, Jacobson, Malek, McClafferty, McConnell, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 11

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

MOTIONS

Majority Leader Thomas moved that **SB 117**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 8:00 a.m., Saturday, February 2, 2019, the twenty-first legislative day.

Senate adjourned at 2:08 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 2, 2019 — State Capitol

Senate convened at 8:00 a.m. President Sales presiding. Invocation by Senator Ellsworth. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present. Senators Esp and Sesso excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/2/2019
Correctly printed: **SB 70**, **SB 79**, **SB 117**, **SB 144**, **SB 157**, **HB 46**, **HB 62**, **HB 89**, **HB 117**.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Brown, Chair): 2/1/2019
SR 4, be adopted.
SR 5, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/1/2019

HB 35, introduced by E. Buttrey
HB 86, introduced by V. Ricci
HB 108, introduced by G. Pierson
HB 176, introduced by D. Bedey

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced and read first time:

SB 201, introduced by D. Ankney.
SB 202, introduced by R. Webb.
SB 203, introduced by J. Pomnichowski, Z. Brown, P. Flowers, B. Grubbs, J. Hamilton, D. Hayman, M. Phillips, C. Pope, S. Sales, W. Sales, G. Vance, K. White, T. Woods.
SB 204, introduced by M. MacDonald, K. Abbott, D. Barrett, B. Bennett, W. Curdy, J. Gross, A. Olsen, A. Olszewski, M. Ryan.
SB 205, introduced by S. Fitzpatrick.

The following Senate bills, previously introduced, were referred to committees:

SB 199, introduced by T. Richmond, referred to Energy and Telecommunications.
SB 200, introduced by R. Webb, referred to Local Government.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 25, introduced by J. Welborn, referred to Natural Resources.

The following House bills were introduced and read first time:

HB 35, introduced by E. Buttrey (by request of the Economic Affairs Interim Committee).
HB 86, introduced by V. Ricci (by request of the Department of Justice).
HB 108, introduced by G. Pierson (by request of the Department of Administration).
HB 176, introduced by D. Bedey, N. Ballance, J. Ellsworth, J. Fuller, K. Holmlund.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kary in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 59 - Senator McClafferty moved **SB 59** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Sesso.
Total 2

Absent or not voting: None.

Total 0

SB 61 - Senator MacDonald moved **SB 61** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 43

Nays: Brown, Hinebauch, Howard, Vance, Welborn.
Total 5

Paired: None.

Excused: Esp, Sesso.
Total 2

Absent or not voting: None.
Total 0

SB 136 - Senator Thomas moved **SB 136** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Sesso.
Total 2

Absent or not voting: None.
Total 0

SJ 2 - Senator F. Smith moved **SJ 2** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Thomas, Vuckovich, Webber.
Total 38

Nays: Blasdel, Hinebauch, Howard, Keenan, Lang, Mr President, Tempel, Vance, Webb, Welborn.
Total 10

Paired: None.

Excused: Esp, Sesso.
Total 2

Absent or not voting: None.
Total 0

SJ 3 - Senator Thomas moved **SJ 3** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Small, Smith C, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 37

Nays: Ankney, Blasdel, Brown, Hinebauch, Howard, Lang, Mr President, Salomon, Tempel, Vance, Webb.
Total 11

Paired: None.

Excused: Esp, Sesso.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Kary moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Sesso.
Total 2

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 157 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Brown, Kary, Vance.
Total 3

Paired: None.

Excused: Esp, Sesso.
Total 2

Absent or not voting: None.
Total 0

HB 46 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Sesso.
Total 2

Absent or not voting: None.
Total 0

HB 62 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Sesso.
Total 2

Absent or not voting: None.
Total 0

HB 89 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr

President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Sesso.
Total 2

Absent or not voting: None.
Total 0

HB 117 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Sesso.
Total 2

Absent or not voting: None.
Total 0

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 71**
Without objection, so ordered.

SB 71 (A. Olszewski, Chief Sponsor)
Representative Pierson.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, February 4, 2019, the twenty-second legislative day. Motion carried.

Senate adjourned at 8:39 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
TWENTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 4, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Salomon. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/4/2019
Correctly printed: **SB 59**, **SB 61**, **SB 136**, **SB 199**, **SB 200**, **SJ 2**, **SJ 3**, **SR 25**.
Correctly enrolled: **SR 13**.
Transmitted to the House: **SB 23**, **SB 126**, **SB 157**, **HB 46**, **HB 62**, **HB 89**, **HB 117**.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills, previously introduced, were referred to committees:

SB 201, introduced by D. Ankney, referred to Natural Resources.
SB 202, introduced by R. Webb, referred to Judiciary.
SB 203, introduced by J. Pomnichowski, Z. Brown, P. Flowers, B. Grubbs, J. Hamilton, D. Hayman, M. Phillips, C. Pope, S. Sales, W. Sales, G. Vance, K. White, T. Woods, referred to Judiciary.
SB 204, introduced by M. MacDonald, K. Abbott, D. Barrett, B. Bennett, W. Curdy, J. Gross, A. Olsen, A. Olszewski, M. Ryan, referred to Taxation.
SB 205, introduced by S. Fitzpatrick, referred to Judiciary.

The following House bills, previously introduced, were referred to committees:

HB 35, introduced by E. Buttrey (by request of the Economic Affairs Interim Committee), referred to Business, Labor, and Economic Affairs.
HB 86, introduced by V. Ricci (by request of the Department of Justice), referred to Public Health, Welfare and Safety.
HB 108, introduced by G. Pierson (by request of the Department of Administration), referred to Business, Labor, and Economic Affairs.
HB 176, introduced by D. Bedey, N. Ballance, J. Ellsworth, J. Fuller, K. Holmlund, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Small in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 91 - Senator Salomon moved **SB 91** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Cuffe, Regier.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 133 - Senator Gillespie moved **SB 133** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 12 - Senator Salomon moved **SB 12** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Esp, Hinebauch.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 70 - Senator Flowers moved **SB 70** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gross, Hinebauch, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 37

Nays: Brown, Cuffe, Esp, Fielder, Gillespie, Hoven, Howard, Lang, Olszewski, Regier, Tempel, Vance, Webb.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Small moved the Committee of the Whole report be adopted. Report adopted as

follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 59 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 61 passed as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 45

Nays: Ankney, Hinebauch, Howard, Vance, Welborn.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 136 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 2 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber.
Total 34

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Keenan, Lang, Mr President, Smith C, Tempel, Vance, Webb, Welborn.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 3 passed as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Thomas, Webber, Welborn.
Total 36

Nays: Ankney, Blasdel, Bogner, Brown, Hinebauch, Howard, Lang, Mr President, Pomnichowski, Salomon, Tempel, Vance, Vuckovich, Webb.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the coming week:

Brook Sangray from East Helena, sponsored by President Sales
Greer MacDonald from Helena, sponsored by President Sales
Reece Cox from Butte, sponsored by Senator McClafferty

Brian Ogolin from Butte, sponsored by Senator McClafferty

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Tuesday, February 5, 2019, the twenty-third legislative day. Motion carried.

Senate adjourned at 1:27 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 5, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Howard. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/5/2019
Correctly printed: **SB 12**, **SB 70**, **SB 91**, **SB 133**, **SB 201**, **SB 202**, **SB 203**, **SB 204**, **SB 205**, **SR 4**, **SR 5**.
Correctly engrossed: **SB 30**, **SB 114**, **SB 151**.
Examined by the sponsor and found to be correct: **SR 13**.
Transmitted to the House: **SB 59**, **SB 61**, **SB 136**, **SJ 2**, **SJ 3**.
Signed by the Secretary of the Senate at 2:25 p.m., February 5, 2019: **SR 13**.
Signed by the President at 2:40 p.m., February 5, 2019: **SR 13**.
Delivered to the Secretary of State at 3:22 p.m., February 5, 2019: **SR 13**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/5/2019
SR 14, introduced resolution, be amended as follows:

1. Page 2, line 20 through line 29.
Strike: subsection (9) through subsection (10) in their entirety

And, as amended, be adopted.

SR 15, introduced resolution, be amended as follows:

1. Page 1, line 14.
Strike: line 14 in its entirety

2. Page 1, line 21.
Strike: line 21 in its entirety

3. Page 2, line 3 through line 9.
Strike: subsection (6) in its entirety
Renumber: subsequent subsections

And, as amended, be adopted.

HB 59, be concurred in.
HB 68, be concurred in.
HB 90, be concurred in.

COMMITTEE ON COMMITTEES (Brown, Chair): 2/5/2019
Appointed the following Senators to the Joint Select Committee for Settlement Accountability: Senator Esp, Chair, Senators Fitzpatrick, McConnell, Pomnichowski, and Regier.

JUDICIARY (Regier, Chair): 2/5/2019
SB 114, introduced bill, be amended as follows:

1. Page 3, line 18.
Strike: "For"
Insert: "Except as provided in subsection (4)(c), for"

2. Page 3, line 19.
Following: line 19
Insert: "(b) Except as provided in subsection (4)(c), for a second or subsequent offense, the offender shall be imprisoned in the state prison for a term not to exceed 5 years or fined an amount not to exceed $10,000, or both."

3. Page 3, line 20.
Strike: "(b)" through "first"
Insert: "(c) For a first or subsequent"
Renumber: subsequent subsections

And, as amended, do pass.

SR 8, be adopted.
SR 9, be adopted.

NATURAL RESOURCES (Welborn, Chair): 2/4/2019
SB 151, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "PROVIDING"
Insert: "AN IMMEDIATE EFFECTIVE DATE AND"

2. Page 2.
Strike: "regardless" on line 16 through "filed" on line 17
Insert: "filed on or before June 30, 2019"

3. Page 2.
Following: line 13
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and

approval."
Renumber: subsequent section

And, as amended, do pass.

SR 24, be adopted.
SJ 4, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/4/2019
SB 30, introduced bill, be amended as follows:

1. Page 3, line 9.
Following: "chapter 38"
Insert: ", provided to adults 18 years of age and older"

And, as amended, do pass.

STATE ADMINISTRATION (Brown, Chair): 2/4/2019
SB 89, do pass.
SB 150, do pass.
SB 154, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/4/2019

HB 33, introduced by J. Windy Boy
HB 148, introduced by F. Mandeville
HB 205, introduced by R. Shaw
HB 239, introduced by M. Marler

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 206, introduced by A. Olszewski, J. Ellis, B. Hamlett, S. Hinebauch, D. Howard, M. MacDonald, K. Regier, referred to Agriculture, Livestock and Irrigation.
SB 207, introduced by T. Jacobson, F. Thomas, referred to Taxation.
SB 208, introduced by T. Jacobson, B. Bennett, T. Winter, referred to Taxation.

The following Senate bills were introduced and read first time:

SB 209, introduced by J. Esp.
SB 210, introduced by M. Blasdel.

The following House bills were introduced, read first time, and referred to committees:

HB 33, introduced by J. Windy Boy (by request of the State-Tribal Relations Committee), referred to Education and Cultural Resources.
HB 148, introduced by F. Mandeville, D. Bartel, B. Beard, S. Berglee, B. Brown, G. DeVries, D. Dunn, F. Fleming, W. Galt, C. Glimm, S. Greef, S. Gunderson, G. Hertz, C. Knudsen, D. Lenz, T. Manzella, W. McKamey, M. Noland, D. Skees, B. Tschida, B. Usher, P. Webb, K. White, D. Zolnikov, K. Bogner, J. Fielder, S. Fitzpatrick, K. Regier, C. Smith, G. Vance, referred to Taxation.
HB 205, introduced by R. Shaw, J. Cohenour, R. Fitzgerald, F. Garner, L. Jones, W. Sales, J. Welborn, T. Welch, referred to Fish and Game.
HB 239, introduced by M. Marler, Z. Brown, B. Grubbs, D. Loge, S. Morigeau, referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bennett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 79 - Senator Hinebauch moved **SB 79** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Smith F.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 144 - Senator Jacobson moved **SB 144** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 161 - Senator Jacobson moved **SB 161** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn.
Total 35

Nays: Blasdel, Bogner, Brown, Cuffe, Fielder, Howard, Kary, Mr President, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Vance.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 163 - Senator Fitzpatrick moved **SB 163** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven,

Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Bennett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were

disposed of in the following manner:

SB 12 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Esp, Fielder, Keenan.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 70 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 36

Nays: Brown, Cuffe, Esp, Fielder, Hoven, Howard, Lang, Olszewski, Osmundson, Regier, Salomon, Tempel, Vance, Webb.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 91 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick,

Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 39

Nays: Blasdel, Brown, Esp, Fielder, Howard, Keenan, Mr President, Olszewski, Regier, Smith F, Vance.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 133 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, February 6, 2019, the twenty-fourth legislative day. Motion carried.

Senate adjourned at 1:25 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
TWENTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 6, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator C. Smith. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Thomas excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/6/2019
Correctly printed: **SB 79**, **SB 89**, **SB 144**, **SB 150**, **SB 154**, **SB 161**, **SB 163**, **SB 206**, **SB 207**, **SB 208**, **SR 8**, **SR 9**, **SR 24**, **SJ 4**, **HB 59**, **HB 68**, **HB 90**.
Correctly engrossed: **SB 73**, **SB 173**, **SB 175**, **SB 192**, **SR 14**, **SR 15**.
Transmitted to the House: **SB 12**, **SB 70**, **SB 91**, **SB 133**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 2/5/2019
SB 73, introduced bill, be amended as follows:

1. Page 4, line 18 through line 20.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

2. Page 5, line 8.
Following: "applicant's"
Insert: "cost of all commodities purchased in Montana,"

3. Page 6, line 12 through line 17.
Strike: subsection (6) in its entirety

4. Page 6.
Following: line 17
Insert: "(6) A publicly traded company may post a bond required
by this part for a subsidiary company if the corporate bonds are rated as Aa3 or better by Moody's investors service, inc., or as AA- or better by Standard and Poor's financial services and are issued with the full credit of the parent corporation.

(7) (a) A publicly traded company or its subsidiary may request that the department waive the requirement to file a complete financial statement pursuant to subsection (3)(a)(vi) for a licensing year, the deficit bonding requirements in 80-4-405(1), or both, if the company:

(i) has been licensed for 1 year;

(ii) has corporate bonds rated as Baa3 or better by Moody's investors service, inc., as BBB- or better by Standard and Poor's financial services, or as investment grade by an equivalent rating

system as determined by department rule; and

(iii) posts the maximum bond amount required by 80-4-405.

(b) The director shall grant or deny the request within 14 days.

(8) (a) A company or its subsidiary may request that the department waive the requirement of subsection (4)(a) or (4)(b), or both, if the company:

(i) has been licensed for 1 year;

(ii) posts the maximum bond amount required by 80-4-405; and

(iii) includes a profit or loss statement from the company's or subsidiary's previous fiscal year that shows operational income equal to or in excess of the value of commodities intended to be purchased during the term of the commodity dealer license.

(b) The director shall grant or deny the request within 14 days.

(9) A publicly traded company whose business structure includes one or more subsidiary locations may file the parent company's financial statement to meet the requirement of subsection (3)(a)(vi). Financial statements are not required for each subsidiary location."
Renumber: subsequent subsection

And, as amended, do pass.

SB 137, do pass.
HB 63, be concurred in.
HB 101, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/5/2019
SB 173, introduced bill, be amended as follows:

1. Page 1, line 13.
Strike: "[section 3]"
Insert: "subsection (3)"
Strike: "subsection (1) of"

2. Page 1, line 15.
Strike: "$50"
Insert: "$25"

And, as amended, do pass.

SB 175, introduced bill, be amended as follows:

1. Page 1, line 25.
Strike: "intersection with state highway 420"
Insert: "junction with Stillwater road"

And, as amended, do pass.

SB 196, do pass.

HB 156, be concurred in.

JUDICIARY (Regier, Chair): 2/6/2019
SB 100, do pass.
SB 192, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "FIREFIGHTER;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 27.
Following: line 27
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass.

HB 20, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 5, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, Montana 59601

Dear President Sales:

On Tuesday, February 5, 2019, I signed the following bill:

Senate Bill 62 - D. Sands

The bill has been delivered to the Secretary of State's Office.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/5/2019

HB 228, introduced by F. Mandeville
HB 233, introduced by B. Mercer
HB 283, introduced by C. Keogh
HB 285, introduced by V. Ricci

House joint resolution passed and transmitted to the Senate for concurrence: 2/5/2019

HJ 6, introduced by K. Dudik

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 211, introduced by R. Tempel, referred to Taxation.
SB 212, introduced by S. Webber, J. Bahr, B. Bessette, C. Boland, P. Flowers, J. Gross, L. Jones, S. Malek, E. McClafferty, M. McNally, S. Morigeau, R. Peppers, Z. Perry, T. Runningwolf, D. Salomon, D. Sands, J. Small, B. Smith, F. Smith, S. Stewart Peregoy, G. Vuckovich, M. Weatherwax, J. Windy Boy, referred to Education and Cultural Resources.
SB 213, introduced by E. McClafferty, S. Malek, S. Webber, referred to Judiciary.
SB 214, introduced by S. Fitzpatrick, referred to Public Health, Welfare and Safety.
SB 215, introduced by R. Webb, referred to Taxation.
SB 216, introduced by R. Webb, referred to Public Health, Welfare and Safety.
SB 217, introduced by D. Howard, D. Ankney, D. Bartel, M. Blasdel, K. Bogner, D. Brown, M. Cuffe, A. Doane, J. Dooling, D. Dunn, J. Ellsworth, J. Fielder, S. Fitzpatrick, W. Galt, T. Gauthier, B. Gillespie, S. Hinebauch, M. Hopkins, B. Hoven, D. Kary, C. Knudsen, M. Lang, F. Mandeville, D. Mortensen, A. Olszewski, R. Osmundson, K. Regier, T. Richmond, S. Sales, D. Salomon, D. Skees, J. Small, C. Smith, R. Tempel, F. Thomas, B. Tschida, B. Usher, G. Vance, R. Webb, J. Welborn, K. White, referred to Taxation.
SB 218, introduced by S. Fitzpatrick, R. Lynch, D. Salomon, referred to Education and Cultural Resources.
SB 219, introduced by M. Cuffe, referred to Business, Labor, and Economic Affairs.
SB 220, introduced by K. Regier, S. Hinebauch, T. Richmond, D. Sands, F. Smith, referred to Judiciary.
SB 221, introduced by M. Phillips, referred to Business, Labor, and Economic Affairs.
SB 222, introduced by J. Cohenour, J. Ellsworth, referred to Fish and Game.

The following Senate bills were introduced and read first time:

SB 223, introduced by T. Jacobson, S. Fitzpatrick.
SB 224, introduced by T. Jacobson, K. Abbott, D. Ankney, J. Bahr, D. Barrett, B. Bennett, B.

Bessette, L. Bishop, C. Boland, Z. Brown, J. Cohenour, W. Curdy, G. Custer, M. Dunwell, J. Ellis, R. Farris-Olsen, P. Flowers, M. Funk, T. Gauthier, B. Gillespie, J. Gross, J. Hamilton, D. Harvey, D. Hayman, K. Holmlund, B. Hoven, L. Jones, J. Keane, C. Keogh, E. Kerr-Carpenter, J. Krautter, J. Krotkov, R. Lynch, M. MacDonald, S. Malek, E. McClafferty, N. McConnell, M. McNally, S. Morigeau, A. Olsen, R. Peppers, Z. Perry, G. Pierson, J. Pomnichowski, C. Pope, T. Richmond, D. Salomon, D. Sands, C. Schreiner, J. Sesso, R. Shaw, J. Small, F. Smith, S. Stewart Peregoy, K. Sullivan, M. Sweeney, G. Vuckovich, M. Weatherwax, S. Webber, J. Welborn, T. Welch, T. Winter.

The following Senate bills, previously introduced, were referred to committees:

SB 209, introduced by J. Esp, referred to Public Health, Welfare and Safety.
SB 210, introduced by M. Blasdel, referred to Business, Labor, and Economic Affairs.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 26, introduced by J. Fielder, referred to Fish and Game.
SR 27, introduced by J. Fielder, referred to Fish and Game.
SR 28, introduced by J. Fielder, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

HB 228, introduced by F. Mandeville, referred to Judiciary.
HB 233, introduced by B. Mercer, F. Fleming, B. Usher, referred to Judiciary.
HB 283, introduced by C. Keogh, S. Greef, P. Webb, referred to Judiciary.
HB 285, introduced by V. Ricci, referred to Highways and Transportation.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 6, introduced by K. Dudik, B. Brown, J. Gross, K. Holmlund, R. Lynch, N. McConnell, S. Morigeau, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator C. Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 4 - Senator D. Brown moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 4**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

SR 5 - Senator D. Brown moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 5**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

Senator C. Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator C. Smith moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

Senator Vance arose on a **point of personal privilege** and spoke about the previous day's second-reading discussion of **SB 161**. He clarified that the Montana Constitution provides that legislators may not hold two elected offices concurrently, but there is no restriction on other elected officials. Senator Sesso questioned the need for **SB 161** and moved the bill be removed from third reading this date. Following explanation from Senator Jacobson of the need for the bill, Senator Sesso withdrew his motion.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 79 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Smith F.
Total 1

Paired: None.

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

SB 144 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

SB 161 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn.
Total 44

Nays: Bogner, Brown, Howard, Olszewski, Vance.
Total 5

Paired: None.

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

SB 163 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Pomnichowski.
Total 1

Paired: None.

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs. President Sales announced the floor session would begin tomorrow at 2:00 p.m.

Senator C. Smith moved the Senate adjourn until 2:00 p.m., Thursday, February 7, 2019, the twenty-fifth legislative day. Motion carried.

Senate adjourned at 1:20 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 7, 2019 — State Capitol

Senate convened at 2:00 p.m. President Sales presiding. Invocation by Senator Blasdel. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present. Senators Howard, Sesso, Thomas and Vuckovich excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/7/2019
Correctly printed: **SB 100**, **SB 137**, **SB 196**, **SB 209**, **SB 210**, **SB 211**, **SB 212**, **SB 213**, **SB 214**, **SB 215**, **SB 216**, **SB 217**, **SB 218**, **SB 219**, **SB 220**, **SB 221**, **SB 222**, **SB 223**, **SB 224**, **SR 26**, **SR 27**, **SR 28**, **HB 20**, **HB 63**, **HB 101**, **HB 156**.
Correctly enrolled: **SR 4**, **SR 5**.
Correctly engrossed: **SB 9**, **SB 47**, **SB 160**, **SB 168**, **SB 179**, **HB 79**.
Examined by the sponsor and found to be correct: **SR 4**, **SR 5**.
Transmitted to the House: **SB 79**, **SB 144**, **SB 161**, **SB 163**.
Signed by the Secretary of the Senate at 1:15 p.m., February 7, 2019: **SR 4**, **SR 5**.
Signed by the President at 2:45 p.m., February 7, 2019: **SR 4**, **SR 5**.
Delivered to the Secretary of State at 3:53 p.m., February 7, 2019: **SR 4**, **SR 5**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/6/2019
SB 160, introduced bill, be amended as follows:
1. Page 1, line 27.
Following: "each occupational disease"
Strike: "or"
Insert: "and"

2. Page 2, line 3.
Strike: "4"
Insert: "10"

3. Page 2, line 10.
Following: "15 years;"
Insert: "and"

4. Page 2, line 11.
Strike: subsection (k) in its entirety
Renumber: subsequent subsections

5. Page 2, line 13.
Following: line 12
Insert: "(3) For purposes of calculating the number of years of a firefighter's employment history under subsection (2), a firefighter's employment history after July 1, 2014, may be calculated."
Renumber: subsequent subsections

6. Page 2, line 16.
Strike: "(3)"
Insert: "(4)"

7. Page 2, line 21.
Following: "claimant's job history."
Insert: "For pulmonary or respiratory diseases under subsection (2), the diseases must be the type that can reasonably be caused by firefighting activities."

8. Page 2, line 23.
Strike: "substantial"
Insert: "a preponderance of the"

9. Page 2, line 25.
Following: "chapter 71, part 24."
Insert: "Nothing in this section limits an insurer's ability to assert that the occupational disease was not caused by the firefighter's employment history as a firefighter."

10. Page 3, line 4.
Following: line 3
Insert: "(7) [Section 2] and this section:
(a) apply only to presumptive occupational diseases for firefighters; and
(b) do not apply to any other issue relating to workers' compensation and may not be used or cited as guidance in the administration of Title 33 or 37."
Renumber: subsequent subsections

11. Page 3, line 5.
Following: "investigating fires"
Insert: ", with at least 1 year of firefighting operations in Montana beginning on or after July 1, 2019,"

12. Page 3, line 16 through line 17.
Strike: subsection (c) in its entirety
Renumber: subsequent subsections

13. Page 3, line 21 through line 27.
Following: "specific to an accident."
Strike: remainder of line 21 through line 27 in their entirety

14. Page 4, line 5.
Strike: "substantial"
Insert: "objective medical"

15. Page 4, line 14.
Strike: "noncancer respiratory"

16. Page 4, line 16.
Strike: "5"
Insert: "10"

17. Page 7, line 6.
Following: "but may be overcome by"
Strike: "substantial evidence, as defined in [section 1]"
Insert: "a preponderance of the evidence"

18. Page 9, line 19.
Following: line 18
Insert: "NEW SECTION. **Section 7. Contingent voidness.** If a court finds any part of [this act] to be in violation of the equal protection clauses of the U.S. or Montana constitutions relating to workers' compensation claims or a court applies the presumption in [sections 1 and 2] to another class of occupation other than firefighters, then [this act] is void."
Renumber: subsequent sections

And, as amended, do pass.

SB 168, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "REVISING THE"
Insert: "PROHIBITING AN"

2. Title, page 1, line 4 through line 5.
Strike: "TO" on line 4 through "RESTRICT USE OF" on line 5
Insert: "FROM INQUIRING ABOUT THE APPLICANT'S"

3. Title, page 1, line 6.
Following: "LABOR AND INDUSTRY;"
Insert: "PROVIDING FOR RULEMAKING;"

4. Page 1, line 14.
Following: "an employer may require"
Insert: "on the initial application form"

5. Page 1, line 15.

Following: "criminal history"
Strike: "on an initial application form"

6. Page 1, line 16.
Following: "(a) when "
Insert: "the disclosure is"
Following: "required"
Insert: "for the position"

7. Page 1, line 17.
Strike: "or"

8. Page 1, line 18.
Following: line 17
Insert: "(c) for hiring by an employer whose business requires cataloging and retention of personal private information;
(d) for hiring by any employer whose business is on school district property;
(e) for hiring an employee who will work in direct proximity to:
(i) persons under 18 years of age; or
(ii) persons for whom the employer owes a particular duty of care because of the person's vulnerability caused by a physical, mental, or developmental condition;"
Renumber: subsequent subsections

9. Page 1, line 21.
Following: line 20
Insert: "(a) an employer from asking an applicant about the applicant's conviction history or criminal history after the initial application has been submitted by the applicant;"
Renumber: subsequent subsections

10. Page 1, line 22.
Following: "references from"
Insert: "also"

11. Page 1, line 22 through line 23.
Following: "criminal history"
Strike: "when making a" on line 22 through "hiring decision" on line 23

12. Page 1, line 24.
Following: "nonhiring authority required"
Insert: "by law, rule, or regulation"

13. Page 1, line 25.
Following: "requesting information"
Strike: "related to a"
Insert: "from the individual about the individual's"

Following: "conviction history or"
Strike: "a"

14. Page 2, line 3 through line 4.
Following: "[section 1]"
Strike: "at least once" on line 3 through "process" on line 4
Insert: "to employers and employees through its official internet website and by any other means determined suitable by the department"

15. Page 2, line 13.
Following: line 12
Insert: "(3) An employer may object to a penalty imposed pursuant to subsection (2) by requesting that a contested case proceeding be held by the department. The department shall conduct the contested case proceeding pursuant to the Montana Administrative Procedure Act."
Insert: "NEW SECTION. **Section 3. Rulemaking authority.** The department may adopt rules to implement the provisions of [sections 1 and 2]."
Renumber: subsequent sections

16. Page 2, line 14.
Strike: "and 2"
Insert: "through 3"

17. Page 2, line 15.
Strike: "and 2"
Insert: "through 3"

And, as amended, do pass.

SB 171, do pass.
HB 64, be concurred in.
HB 67, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/6/2019
SB 9, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Following: "TAXPAYERS"
Insert: "AND THAT GENERAL FUND BUDGET LIMITS IN THE SUBSEQUENT YEAR ARE RECALCULATED TO REFLECT ACTUAL ANB"
Following: "20-9-141"
Insert: ", 20-9-308,"

2. Page 3, line 10.
Insert: "Section 2. Section 20-9-308, MCA, is amended to read:
"20-9-308. BASE budgets and ~~maximum~~ general fund ~~budgets~~ budget limits. (1) (a)

The trustees of a district shall adopt a general fund budget that is at least equal to the BASE budget established for the district. ~~The~~ Except as provided in subsection (1)(b), the trustees of a district may adopt a general fund budget up to the greater of:

(i) the current year maximum general fund budget; or

(ii) the previous year's general fund budget~~, whichever is greater~~ plus any increase in direct state aid for the basic and per-ANB entitlements and any increases in state funding of the data-for-achievement payment under 20-9-325 and in the general fund payments in 20-9-327 through 20-9-330.

(b) When anticipated enrollment increases under 20-9-314 are not realized in the previous year, the trustees may adopt a general fund budget up to the greater of:

(i) the current year maximum general fund budget; or

(ii) the previous year's adopted general fund budget recalculated to reflect the previous year's actual enrollment pursuant to 20-9-314(6)(b) plus any increase in direct state aid for the basic and per-ANB entitlements and any increases in state funding of the data-for-achievement payment under 20-9-325 and in the general fund payments in 20-9-327 through 20-9-330.

~~(b) For purposes of the budget limitation in subsection (1)(a), the trustees may add any increase in direct state aid for the basic and per-ANB entitlements and any increases in state funding of the data-for-achievement payment under 20-9-325 and in the general fund payments in 20-9-327 through 20-9-330 to the district's previous year's general fund budget.~~

(2) (a) Except as provided in subsection (2)(b), whenever the trustees of a district propose to adopt a general fund budget that exceeds the BASE budget for the district and propose to increase the over-BASE budget levy over the highest revenue previously authorized by the electors of the district or imposed by the district in any of the previous 5 years to support the general fund budget, the trustees shall submit a proposition to the electors of the district, as provided in 20-9-353.

(b) The intent of this section is to increase the flexibility and efficiency of elected school boards without increasing school district property taxes. In furtherance of this intent and provided that budget limitations otherwise specified in law are not exceeded, the trustees of a district may increase the district's over-BASE budget levy without a vote if the board of trustees reduces nonvoted property tax levies authorized by law to be imposed by action of the trustees of the district by at least as much as the amount by which the over-BASE budget levy is increased. The ongoing authority for any nonvoted increase in the over-BASE budget levy imposed under this subsection (2)(b) must be decreased in future years to the extent that the trustees of the district impose any increase in other nonvoted property tax levies.

(3) The BASE budget for the district must be financed by the following sources of revenue:

(a) state equalization aid, as provided in 20-9-343, including any guaranteed tax base aid for which the district may be eligible, as provided in 20-9-366 through 20-9-369;

(b) county equalization aid, as provided in 20-9-331 and 20-9-333;

(c) a district levy for support of a school not approved as an isolated school under the provisions of 20-9-302;

(d) payments in support of special education programs under the provisions of 20-9-321;

(e) nonlevy revenue, as provided in 20-9-141; and

(f) a BASE budget levy on the taxable value of all property within the district.

(4) The over-BASE budget amount of a district must be financed by a levy on the taxable value of all property within the district or other revenue available to the district, as provided in 20-9-141.""

Renumber: subsequent sections

3. Page 4, line 20.
Following: "limitations"
Insert: ", adopted budget,"

And, as amended, do pass.

HB 61, be concurred in.

JUDICIARY (Regier, Chair): 2/7/2019
SR 10, be adopted.

LOCAL GOVERNMENT (Lang, Chair): 2/6/2019
SB 179, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "A LOCAL GOVERNING BODY"
Insert: "CERTAIN ELECTED OFFICIALS"
Following: ";"
Strike: "AND"

2. Title, page 1, line 6.
Following: "MCA"
Insert: "; AND PROVIDING A RETROACTIVE APPLICABILITY DATE"

3. Page 1, line 14.
Following: "other than"
Insert: "in"

4. Page 1, line 15.
Strike: "local governing body"
Insert: "governing city council, city commission, or board of county commissioners"

5. Page 1.
Following: line 16
Insert: "NEW SECTION. **Section 2. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to any rule or ordinance that prohibits smoking in places other than in an enclosed public place that became effective without being adopted or approved by the governing city council, city commission, or board of county commissioners."

And, as amended, do pass.

NATURAL RESOURCES (Welborn, Chair): 2/6/2019
SB 47, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "BASIN"
Insert: "ADVISORY"

2. Title, page 1, line 7.
Following: "BASIN"
Insert: "ADVISORY"

3. Title, page 1, line 9.
Following: "BASIN"
Insert: "ADVISORY"

4. Page 2, line 16 through line 17.
Strike: "a new" on line 16 through "council" on line 17
Insert: "a basin advisory council"

5. Page 2, line 22.
Following: "basin"
Insert: "advisory"

6. Page 2, line 22 through line 23.
Strike: "members" on line 22 through "specialists" on line 23
Insert: "key water interests within the basins, including, on recommendation from relevant water user interest groups, at least one representative each from:
(i) agricultural;
(ii) industrial;
(iii) conservation;
(iv) municipal;
(v) recreational;
(vi) tribal;
(vii) irrigation;
(viii) conservation district; and
(ix) watershed organizations"

7. Page 2, line 24.
Following: "basin"
Insert: "advisory"

8. Page 2, line 25.
Following: "basin"
Insert: "advisory"

9. Page 2.
Following: line 26
Insert: "(e) The department may use existing basin councils as a basin advisory council if the

composition and purpose of the existing basin council is consistent with this subsection (4)."

And, as amended, do pass.

HB 119, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/7/2019
HB 79, be amended as follows:

1. Page 10, line 29.
Strike: "department of labor and industry may use the"

2. Page 10, line 30.
Strike: "only"
Insert: "must be used by the department of labor and industry"

3. Page 11, line 2.
Following: "~~purpose~~"
Insert: "of the state and for no other purpose"

4. Page 11, lines 6 and 7.
Strike: "department" on line 6 through "use the" on line 7
Strike: "only" on line 7
Insert: "must be used by the department of labor and industry"

5. Page 11, line 9.
Following: "~~purpose~~"
Insert: "of the state and for no other purpose"

6. Page 11, line 15.
Strike: "may only"
Insert: "must"

And, as amended, be concurred in.

HB 83, be concurred in.
HB 103, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 2/6/2019
SB 108, introduced bill, be amended as follows:

1. Page 1, line 28.
Following: "(4)"
Insert: "(a)"

2. Page 1, lines 29 through 30.
Strike: "$150,000" in two places
Insert: "$90,000" in two places

3. Page 1, line 30.
Strike: "$75,000"
Insert: "$30,000"

4. Page 2, line 2.
Following: line 1
Insert: "(b) Starting on July 1, 2024, and every 5 years thereafter, the department of administration shall adjust the limits in subsection (4)(a) for inflation. The newly adjusted limits must be published by rule. The inflation adjustment is found by dividing the consumer price index for June of the year prior by the consumer price index for June 2019."

5. Page 4, line 26.
Following: "(1)"
Insert: "(a)"

6. Page 4, line 29.
Strike: "$150,000"
Insert: "$90,000"

7. Page 5, line 3.
Following: line 2
Insert: "(b) Starting on July 1, 2024, and every 5 years thereafter, the department of administration shall adjust the limits in subsection (1)(a) for inflation. The newly adjusted limits must be published by rule. The inflation adjustment is found by dividing the consumer price index for June of the year prior by the consumer price index for June 2019."

And, as amended, do pass.

SB 148, introduced bill, be amended as follows:

1. Page 1, line 30.
Following: "day,"
Insert: "to the election office or"

And, as amended, do pass.

TAXATION (Webb, Chair): 2/7/2019
SB 152, do pass.
SB 165, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Following: "TAXES ON"
Insert: "CERTAIN"

2. Title, page 1, line 5.
Strike: "TRAILERS"
Insert: "MOVABLE HOUSING"

3. Title, page 1, line 5 through line 6.
Strike: "AND REFUND" on line 5 through "STATUS" on line 6
Insert: "FOR UNINHABITABLE MOVABLE HOUSING"
Strike: "A DEFINITION" on line 6
Insert: "DEFINITIONS"
Strike: "SECTIONS" on line 6
Insert: "SECTION"

4. Title, page 1, line 7.
Strike: "15-16-611, AND 15-16-612,"

5. Page 2, line 10.
Strike: "house trailer"
Insert: "housetrailer, manufactured home,"
Following: "based on"
Strike: "trailer"

6. Page 2, line 11.
Strike: "status"
Strike: "defined"
Insert: "provided"
Strike: "15-16-611"
Insert: "[section 2]"

7. Page 2, line 15 through page 3, line 29.
Strike: section 2 through section 3 in their entirety
Insert: "NEW SECTION. **Section 2. Exemption -- abandoned housetrailer, manufactured home, or mobile home.** (1) There is a property tax exemption for movable housing that is uninhabitated because it is no longer fit for human habitation. To be eligible for the exemption, an applicant must meet the requirements of this section. This section does not apply to movable housing that receives an abatement for a natural disaster as provided in 15-16-611.

(2) If the movable housing has a productive use other than human habitation, the department shall assess a value to the property based on the productive use.

(3) (a) A claim for an exemption must be filed by March 1 of the tax year for which the exemption is sought on an application form provided by the department. An applicant that does not apply for an exemption during the first year of the valuation cycle may apply during the second year of the cycle.

(b) The exemption application form must contain an affirmation that the movable housing

satisfies the provisions of this section and any other information required by the department that is relevant to the applicant's eligibility.

(c) When providing information to the department for qualification under this section, an applicant is subject to the false swearing penalties established in 45-7-202.

(d) The department shall investigate the information provided in an application and any information provided by a third party or local government. A local government may assist an owner of movable housing to submit an application for an exemption.

(4) After an exemption is approved, the applicant remains eligible for the exemption as long as the property continues to satisfy the provisions of this section.

(5) As used in this section, the following definitions apply:

(a) "Movable housing" means a housetrailer, manufactured home, or mobile home that is not treated as an improvement to real property as defined in 15-1-101.

(b) "Productive use" means used for livestock or storage of personal property."

Insert: "NEW SECTION. **Section 3. Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 15, chapter 6, part 2, and the provisions of Title 15, chapter 6, part 2, apply to [section 2]."

Renumber: subsequent sections

And, as amended, do pass.

HB 72, be concurred in.
HB 84, be concurred in.
HB 88, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

2/6/2019

SJ 1, introduced by F. Thomas

House bills passed and transmitted to the Senate for concurrence: 2/6/2019

HB 16, introduced by D. Fern
HB 24, introduced by A. Redfield
HB 154, introduced by K. Sullivan
HB 162, introduced by T. Welch
HB 163, introduced by T. Welch
HB 164, introduced by B. Usher
HB 170, introduced by M. Sweeney
HB 196, introduced by T. Welch
HB 257, introduced by W. Curdy

HB 259, introduced by D. Bedey

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 225, introduced by S. Fitzpatrick, K. Dudik, J. Krautter, M. McNally, B. Mercer, referred to Judiciary.
SB 226, introduced by G. Vance, B. Bennett, C. Boland, D. Brown, S. Fitzpatrick, J. Gross, D. Sands, R. Webb, J. Welborn, referred to Highways and Transportation.
SB 227, introduced by J. Ellis, referred to State Administration.
SB 228, introduced by B. Hoven, referred to Highways and Transportation.
SB 229, introduced by B. Hoven, referred to Judiciary.
SB 230, introduced by D. Sands, J. Cohenour, referred to Agriculture, Livestock and Irrigation.
SB 231, introduced by B. Bennett, K. Bogner, D. Brown, J. Cohenour, A. Olszewski, K. Regier, D. Salomon, D. Zolnikov, referred to State Administration.
SB 232, introduced by B. Bennett, referred to State Administration.

The following Senate bill was introduced and read first time:

SB 233, introduced by T. Gauthier.

The following Senate bills, previously introduced, were referred to committees:

SB 223, introduced by T. Jacobson, S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 224, introduced by T. Jacobson, K. Abbott, D. Ankney, J. Bahr, D. Barrett, B. Bennett, B. Bessette, L. Bishop, C. Boland, Z. Brown, J. Cohenour, W. Curdy, G. Custer, M. Dunwell, J. Ellis, R. Farris-Olsen, P. Flowers, M. Funk, T. Gauthier, B. Gillespie, J. Gross, J. Hamilton, D. Harvey, D. Hayman, K. Holmlund, B. Hoven, L. Jones, J. Keane, C. Keogh, E. Kerr-Carpenter, J. Krautter, J. Krotkov, R. Lynch, M. MacDonald, S. Malek, E. McClafferty, N. McConnell, M. McNally, S. Morigeau, A. Olsen, R. Peppers, Z. Perry, G. Pierson, J. Pomnichowski, C. Pope, T. Richmond, D. Salomon, D. Sands, C. Schreiner, J. Sesso, R. Shaw, J. Small, F. Smith, S. Stewart Peregoy, K. Sullivan, M. Sweeney, G. Vuckovich, M. Weatherwax, S. Webber, J. Welborn, T. Welch, T. Winter, D. Zolnikov, referred to Highways and Transportation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 10, introduced by K. Bogner, J. Fuller, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 16, introduced by D. Fern (by request of the Local Government Interim Committee), referred to Taxation.

HB 24, introduced by A. Redfield (by request of the Revenue and Transportation Interim Committee), referred to Taxation.
HB 154, introduced by K. Sullivan, referred to Local Government.
HB 162, introduced by T. Welch, referred to Business, Labor, and Economic Affairs.
HB 163, introduced by T. Welch, referred to Business, Labor, and Economic Affairs.
HB 164, introduced by B. Usher, B. Beard, S. Berglee, N. Duram, F. Fleming, F. Garner, D. Kary, D. Lenz, T. Manzella, W. McKamey, B. Mercer, T. Moore, D. Mortensen, V. Ricci, D. Howard, T. Richmond, referred to State Administration.
HB 170, introduced by M. Sweeney, referred to State Administration.
HB 196, introduced by T. Welch, referred to Business, Labor, and Economic Affairs.
HB 257, introduced by W. Curdy, N. Duram, referred to Judiciary.
HB 259, introduced by D. Bedey, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Fitzpatrick moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gillespie in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 4 - Senator Pomnichowski moved that consideration of **SJ 4** be passed to Monday, February 11, 2019, the twenty-eighth legislative day. Without objection, so ordered.

SB 114 - Senator Gross moved **SB 114** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith F, Webb, Webber, Welborn.
Total 37

Nays: Brown, Ellsworth, Hinebauch, Kary, Lang, Mr President, Smith C, Tempel, Vance.
Total 9

Paired: None.

Excused: Howard, Sesso, Thomas, Vuckovich.
Total 4

Absent or not voting: None.
Total 0

SB 151 - Senator Fitzpatrick moved **SB 151** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Howard, Sesso, Thomas, Vuckovich.
Total 4

Absent or not voting: None.
Total 0

SR 8 - Senator K. Regier moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 8**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Howard, Sesso, Thomas, Vuckovich.
Total 4

Absent or not voting: None.
Total 0

SR 9 - Senator K. Regier moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 9**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Webb, Webber, Welborn.
Total 44

Nays: Fielder, Hinebauch.
Total 2

Paired: None.

Excused: Howard, Sesso, Thomas, Vuckovich.
Total 4

Absent or not voting: None.
Total 0

SR 14 - Senator Fitzpatrick moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 14**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Howard, Sesso, Thomas, Vuckovich.
Total 4

Absent or not voting: None.
Total 0

Senator McConnell excused at this time.

SR 15 - Senator Fitzpatrick moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 15**.

SR 15 - Senator Fitzpatrick moved **SR 15**, second reading copy, be amended as follows:

1. Page 1, line 19.
Strike: "2-15-1874"
Insert: "2-15-1814"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Webb, Webber, Welborn.
Total 45

Nays: None.
Total 0

Paired: None.

Excused: Howard, McConnell, Sesso, Thomas, Vuckovich.
Total 5

Absent or not voting: None.
Total 0

SR 15 - As amended, resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Webb, Webber, Welborn.
Total 45

Nays: None.
Total 0

Paired: None.

Excused: Howard, McConnell, Sesso, Thomas, Vuckovich.
Total 5

Absent or not voting: None.
Total 0

SR 24 - Senator Welborn moved the nomination transmitted by the Governor be concurred in

and confirmed by the Senate in accordance with **SR 24**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Webb, Webber, Welborn.
Total 45

Nays: None.
Total 0

Paired: None.

Excused: Howard, McConnell, Sesso, Thomas, Vuckovich.
Total 5

Absent or not voting: None.
Total 0

Senator Fitzpatrick moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Gillespie moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Webb, Webber, Welborn.
Total 45

Nays: None.
Total 0

Paired: None.

Excused: Howard, McConnell, Sesso, Thomas, Vuckovich.
Total 5

Absent or not voting: None.
Total 0

MOTIONS

Senator Fitzpatrick moved that **SB 114**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Fitzpatrick moved the Senate adjourn until 1:00 p.m., Friday, February 8, 2019, the twenty-sixth legislative day. Motion carried.

Senate adjourned at 2:42 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
TWENTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 8, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Tempel. Pledge of Allegiance to the Flag.

Roll Call. Forty-six members present. Senators Esp, Howard, Sesso and Thomas excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/8/2019
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixteenth through twentieth legislative days, find the same to be correct.

Correctly printed: **SB 114**, **SB 151**, **SB 152**, **SB 171**, **SB 225**, **SB 226**, **SB 227**, **SB 228**, **SB 229**, **SB 230**, **SB 231**, **SB 232**, **SB 233**, **SR 10**, **SJ10**, **HB 61**, **HB 64**, **HB 67**, **HB 72**, **HB 83**, **HB 84**, **HB 88**, **HB 103**, **HB 119**
Correctly engrossed: **SB 108**, **SB 148**, **SB 165**.
Correctly enrolled: **SR 8**, **SR 9**, **SR 14**, **SR 15**, **SR 24**.
Examined by the sponsor and found to be correct: **SR 8**, **SR 9**, **SR 14**, **SR 15**, **SR 24**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 2/7/2019
SR 21, be adopted.
SR 22, be adopted.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/8/2019
SB 182, do pass.
HB 66, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 2/7/2019
SB 8, introduced bill, be amended as follows:

1. Page 5, line 25.
Following: "(B)"
Strike: "EACH"
Insert: "(i) Except as provided in subsection (13)(b)(ii), each"

2. Page 5.
Following: line 27
Insert: "(ii) Each completed extracurricular activity lasting longer than 18 weeks may be counted as one-eighth enrollment.

(c) For the purposes of this section, "extracurricular activity" means:

(i) a sport or activity sanctioned by an organization having jurisdiction over interscholastic activities, contests, and tournaments;

(ii) an approved career and technical student organization, pursuant to 20-7-306; or

(iii) a school theater production."

And, as amended, do pass.

SB 32, introduced bill, be amended as follows:

1. Page 2, line 14.
Following: "INCLUDING"
Insert: "at least one and"

And, as amended, do pass.

SB 52, do pass.
SB 55, do pass.
SB 84, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.
Strike: "ALLOWING" on line 5 through "GUILTY;" on line 7

2. Title, page 1, line 8.
Strike: "THE EVALUATION"
Insert: "CERTAIN EVALUATIONS"

3. Page 1, line 18 through line 21.
Strike: "If an" on line 18 through "sentencing." on line 21

4. Page 2, line 3.
Following: "(ii)"
Strike: "The"
Insert: "Unless a psychosexual evaluation has been provided to the court prior to the plea or the verdict or finding of guilty, the"

5. Page 2, line 6 through line 9.
Strike: "If a" on line 6 through "sentencing." on line 9

6. Page 2, line 10.
Strike: "updated"

7. Page 2, line 11.
Strike: "(1)(a)(i) or"

8. Page 2, line 12.
Strike: "updated"

9. Page 2, line 13.
Strike: "(1)(a)(i) or"

And, as amended, do pass.

SB 111, do pass.
HB 71, be concurred in.
HB 159, be concurred in.
HB 175, be concurred in.

FISH AND GAME (Fielder, Chair): 2/7/2019
HB 104, be concurred in.

JUDICIARY (Regier, Chair): 2/8/2019
SR 20, be adopted.
HB 47, be concurred in.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/7/2019

HB 30, introduced by S. Gunderson
HB 44, introduced by Z. Brown
HB 45, introduced by Z. Brown
HB 58, introduced by Z. Brown
HB 65, introduced by M. Regier
HB 92, introduced by J. Dooling

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 234, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 235, introduced by M. McNally, D. Brown, T. Burnett, referred to Public Health, Welfare and Safety.
SB 236, introduced by M. McNally, referred to State Administration.
SB 237, introduced by A. Olszewski, M. Blasdel, S. Hinebauch, B. Keenan, M. Lang, R. Webb, referred to Taxation.
SB 238, introduced by B. Hoven, referred to Judiciary.
SB 239, introduced by J. Ellsworth, referred to Taxation.
SB 240, introduced by J. Ellsworth, referred to Business, Labor, and Economic Affairs.

The following Senate bill, previously introduced, was referred to committee:

SB 233, introduced by T. Gauthier, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 11, introduced by D. Sands, Z. Brown, M. Caferro, M. Dunwell, M. Hopkins, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 30, introduced by S. Gunderson (by request of the Environmental Quality Council), referred to Natural Resources.
HB 44, introduced by Z. Brown (by request of the Water Policy Interim Committee), referred to Natural Resources.
HB 45, introduced by Z. Brown (by request of the Water Policy Interim Committee), referred to Natural Resources.
HB 58, introduced by Z. Brown (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 65, introduced by M. Regier (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.
HB 92, introduced by J. Dooling (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Kary moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lang in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 89 - Senator D. Brown moved **SB 89** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 150 - Senator Bennett moved **SB 150** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 154 - President Sales moved **SB 154** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.
Total 4

Absent or not voting: None.
Total 0

HB 59 - Senator Vance moved **HB 59** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.
Total 4

Absent or not voting: None.
Total 0

HB 68 - Senator Small moved **HB 68** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.
Total 4

Absent or not voting: None.
Total 0

HB 90 - Senator Small moved **HB 90** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.
Total 4

Absent or not voting: None.
Total 0

Senator Kary moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Lang moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.
Total 4

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, were

disposed of in the following manner:

SB 151 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.
Total 4

Absent or not voting: None.
Total 0

MOTIONS

Senator Gauthier moved that **SB 24** be taken from the Fish and Game Committee and placed on second reading Tuesday, February 12, 2019, the twenty-ninth legislative day. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Brown, Cuffe, Ellsworth, Fielder, Gillespie, Hinebauch, Kary, Keenan, Lang, Mr President, Osmundson, Regier, Smith C, Vance, Webb.
Total 16

Paired: None.

Excused: Esp, Howard, Sesso, Thomas.
Total 4

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Kary moved the Senate adjourn until 1:00 p.m., Monday, February 11, 2019, the twenty-eighth legislative day. Motion carried.

Senate adjourned at 1:34 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
TWENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
February 9, 2019

Senate Chambers
State Capitol

Senate did not meet in session this date.

SENATE JOURNAL
66TH LEGISLATURE
TWENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 11, 2019 — State Capitol

Senate convened at 1:02 p.m. President Sales presiding. Invocation by Senator Richmond. Pledge of Allegiance to the Flag.

Roll Call. Fifty members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/11/2019
Correctly printed: **SB 52**, **SB 55**, **SB 89**, **SB 111**, **SB 150**, **SB 154**, **SB 182**, **SB 233**, **SB 234**, **SB 235**, **SB 236**, **SB 237**, **SB 238**, **SB 239**, **SB 240**, **SR 20**, **SR 21**, **SR 22**, **SR 23**, **SR 25**, **SJ 11**, **HB 47**, **HB 59**, **HB 66**, **HB 68**, **HB 71**, **HB 90**, **HB 104**, **HB 159**, **HB 175**.
Correctly engrossed: **SB 8**, **SB 32**, **SB 84**.
Correctly enrolled: **SB 10**, **SB 11**, **SB 16**.
Transmitted to the House: **SB 151**.
Signed by the Secretary of the Senate at 2:00 p.m., February 8, 2019: **SR 8**, **SR 9**, **SR 14**, **SR 15**, **SR 24**.
Signed by the President at 8:30 a.m., February 11, 2019: **SR 8**, **SR 9**, **SR 14**, **SR 15**, **SR 24**.
Delivered to the Secretary of State at 11:17 a.m., February 11, 2019: **SR 8**, **SR 9**, **SR 14**, **SR 15**, **SR 24**.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Welborn, Chair): 2/8/2019
SR 23, be adopted.
SR 25, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/9/2019

SB 10, introduced by D. Salomon
SB 11, introduced by D. Salomon
SB 16, introduced by D. Salomon

House bills passed and transmitted to the Senate for concurrence: 2/8/2019

HB 57, introduced by Z. Brown
HB 70, introduced by R. Shaw

HB 158, introduced by R. Peppers
HB 220, introduced by W. Sales
HB 247, introduced by B. Grubbs
HB 268, introduced by S. Greef
HB 282, introduced by D. Loge

House joint resolution passed and transmitted to the Senate for concurrence: 2/8/2019

HJ 4, introduced by J. Read

House bills passed and transmitted to the Senate for concurrence: 2/9/2019

HB 3, introduced by K. Holmlund
HB 54, introduced by R. Peppers
HB 112, introduced by A. Redfield
HB 142, introduced by J. Kassmier

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 241, introduced by J. Welborn, J. Cohenour, R. Fitzgerald, P. Flowers, T. Gauthier, D. Loge, R. Lynch, C. Schreiner, R. Shaw, J. Small, T. Welch, referred to Taxation.
SB 242, introduced by R. Webb, referred to Fish and Game.
SB 243, introduced by J. Ellis, K. Abbott, D. Ankney, J. Keane, J. Sesso, R. Shaw, J. Welborn, referred to Local Government.

The following Senate bill was introduced and read first time:

SB 244, introduced by M. Blasdel.

The following House bills were introduced, read first time, and referred to committees:

HB 3, introduced by K. Holmlund (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 54, introduced by R. Peppers (by request of the State-Tribal Relations Committee), referred to Judiciary.
HB 57, introduced by Z. Brown (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 70, introduced by R. Shaw (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 112, introduced by A. Redfield (by request of the Department of Livestock), referred to Agriculture, Livestock and Irrigation.
HB 142, introduced by J. Kassmier, L. Jones, referred to Agriculture, Livestock and Irrigation.

HB 158, introduced by R. Peppers, K. Abbott, B. Smith, referred to Education and Cultural Resources.
HB 220, introduced by W. Sales, referred to Natural Resources.
HB 247, introduced by B. Grubbs, J. Bachmeier, Z. Brown, F. Garner, K. Holmlund, J. Kassmier, J. Krautter, D. Loge, W. McKamey, W. Sales, T. Welch, referred to Education and Cultural Resources.
HB 268, introduced by S. Greef, C. Keogh, referred to Judiciary.
HB 282, introduced by D. Loge, F. Anderson, G. Custer, F. Garner, C. Glimm, J. Read, W. Sales, D. Skees, B. Usher, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 4, introduced by J. Read, B. Brown, G. DeVries, J. Dooling, W. Galt, R. Garcia, B. Grubbs, K. Holmlund, J. Keane, C. Knudsen, R. Knudsen, D. Loge, T. Manzella, D. Mortensen, V. Ricci, D. Skees, B. Usher, M. Blasdel, D. Kary, D. Salomon, F. Smith, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 1 - Majority Leader Thomas moved consideration of **SJ 1** be placed at the top of the second reading board. Without objection, so ordered.

SJ 1 - **House Amendments** - Majority Leader Thomas moved **do not concur** in House amendments to **SJ 1**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

MOTIONS

Senator Thomas moved the President be authorized to appoint a Conference Committee on **SJ 1** and request the House to appoint a like committee. Motion carried. President Sales appointed:

2/11/2019

Senator Thomas, Chair
Senator Blasdel
Senator Pomnichowski

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator R. Webb in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 4 - Senator Sesso moved **SJ 4** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 73 - Senator Hinebauch moved **SB 73** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 137 - Senator Hinebauch moved **SB 137** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 160 - Senator McConnell moved **SB 160** do pass.

SB 160 - Senator McConnell moved **SB 160**, second reading copy, be amended as follows:

1. Page 6, line 7.
Following: "(a)"
Strike: remainder of line 7

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Mr President, Olszewski.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 160 - As amended, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 35

Nays: Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb.
Total 15

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Senator Olszewski assumed the chair.

SB 168 - Senator Thomas moved consideration of **SB 168** be passed for the day. Without objection, so ordered.

SB 9 - Senator Salomon moved **SB 9** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 171 - Senator Fitzpatrick moved **SB 171** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 40

Nays: Cuffe, Esp, Fielder, Hinebauch, Howard, Keenan, Lang, Olszewski, Regier, Smith F.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 173 - Senator Gauthier moved **SB 173** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 27

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 23

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 175 - Senator Howard moved **SB 175** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Ellsworth excused at this time.

SB 196 - Senator Sands moved **SB 196** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: Ellsworth.
Total 1

Absent or not voting: None.
Total 0

Senator Ellsworth present at this time.

SB 100 - Senator K. Regier moved **SB 100** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 20 - Senator Fielder moved **HB 20** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Vance.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 61 - Senator Bogner moved **HB 61** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Howard.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 63 - Senator Lang moved **HB 63** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally,

Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 101 - Senator Bogner moved **HB 101** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 156 - Senator Welborn moved **HB 156** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Olszewski moved the Committee of the Whole reports for both meetings of the Committee of the Whole on this date be adopted. Reports adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 89 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven,

Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 150 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 154 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber,

Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 59 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 68 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 90 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the coming week:

Jonathon Krivec from Billings, sponsored by Senator C. Smith
Treven Maharg from Helena, sponsored by Senator Gauthier
Macie Martinell from Lima, sponsored by Senator Welborn
Hannah Simonson from Helena, sponsored by Senator Sands

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, February 12, 2019, the twenty-ninth legislative day Motion carried.

Senate adjourned at 2:43 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
TWENTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 12, 2019 — State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Ellis. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/12/2019
Correctly printed: **SB 9**, **SB 24**, **SB 73**, **SB 100**, **SB 137**, **SB 171**, **SB 173**, **SB 175**, **SB 196**, **SB 241**, **SB 242**, **SB 243**, **SJ 4**, **HB 20**, **HB 61**, **HB 63**, **HB 101**, **HB 156**.
Correctly engrossed: **SB 160**.
Transmitted to the House: **SB 89**, **SB 150**, **SB 154**, **HB 59**, **HB 68**, **HB 90**.
Examined by the sponsor and found to be correct: **SB 10**, **SB 11**, **SB 16**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/12/2019
HB 74, be amended as follows:

1. Title, page 1, line 7.
Following: line 6
Insert: "CLARIFYING REMEDIES REGARDING PRIVATE RIGHTS OF ACTION;"

2. Page 2, line 1.
Following: "state"
Insert: "and may not preempt any other remedies, civil or otherwise, allowed by the laws of this state"

3. Page 2, line 4.
Following: line 3
Insert: "(c) This section may not be construed as creating a private right of action in addition to those existing under the laws of this state."

And, as amended, be concurred in.

HB 91, be concurred in.
HB 107, be amended as follows:

1. Page 2, line 8.
Following: "with 25 or fewer loans"
Insert: ", a mortgage servicer that is wholly owned and controlled by one or more depository

institutions regulated by a state or federal banking agency,"

And, as amended, be concurred in.

HB 108, be concurred in.

TAXATION (Webb, Chair): 2/12/2019
SB 142, do pass.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Joint Resolution 1**
Report No. 001, February 12, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Joint Resolution 1** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Joint Resolution 1** (reference copy -- salmon) be amended as follows:

1. Page 3, line 1.
Following: "~~OR~~"
Insert: "or"

2. Page 3, line 2.
Following: "~~media~~"
Strike: ", LOBBYIST, OR MEMBER OF THE PUBLIC OR MEDIA"

For the Senate:
Thomas, Chair
Blasdel
Pomnichowski

For the House:
Skees, Vice Chair
Dudik
Mandeville

Without objection, the committee report was adopted.

MESSAGES FROM THE OTHER HOUSE

SJ 1 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SJ 1:**

2/11/2019

Representative Skees, Vice Chair
Representative Dudik
Representative Mandeville

House bills passed and transmitted to the Senate for concurrence: 2/11/2019

HB 120, introduced by W. Curdy
HB 132, introduced by K. Holmlund
HB 181, introduced by F. Garner
HB 190, introduced by B. Grubbs
HB 256, introduced by C. Keogh
HB 260, introduced by J. Kassmier
HB 356, introduced by M. Funk

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 253, introduced by C. Smith, M. Blasdel, W. Galt, G. Hertz, D. Kary, F. Mandeville, S. Sales, G. Vance, referred to Judiciary.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 29, introduced by D. Sands, referred to Judiciary.

The following Senate bills were introduced and read first time:

SB 245, introduced by M. McNally, B. Bennett, C. Boland, D. Barrett, J. Cohenour, J. Ellis, P. Flowers, M. Hopkins, J. Keane, K. Kelker, E. Kerr-Carpenter, M. MacDonald, J. Pomnichowski, J. Sesso, J. Small.
SB 246, introduced by M. MacDonald.
SB 247, introduced by J. Cohenour.
SB 248, introduced by J. Cohenour.
SB 249, introduced by S. Fitzpatrick.
SB 250, introduced by S. Fitzpatrick.
SB 251, introduced by G. Vance.
SB 252, introduced by D. Ankney.

The following House bills were introduced, read first time, and referred to committees:

HB 120, introduced by W. Curdy, referred to Highways and Transportation.
HB 132, introduced by K. Holmlund, J. Kassmier, R. Fitzgerald, F. Garner, referred to Agriculture, Livestock and Irrigation.
HB 181, introduced by F. Garner, referred to State Administration.
HB 190, introduced by B. Grubbs, Z. Brown, W. Curdy, A. Doane, D. Fern, K. Holmlund, R. Tempel, referred to Highways and Transportation.
HB 256, introduced by C. Keogh, B. Bennett, K. Dudik, R. Farris-Olsen, D. Harvey, T. Jacobson, J. Keane, R. Lynch, N. McConnell, A. Olsen, K. Sullivan, referred to Judiciary.
HB 260, introduced by J. Kassmier, E. Buttrey, C. Pope, referred to State Administration.
HB 356, introduced by M. Funk, referred to Energy and Telecommunications.

MOTIONS

Majority Leader Thomas moved that **SB 173** be taken from the third reading agenda and re-referred to the Highways and Transportation Committee. Without objection, so ordered.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gross in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 192 - Senator Lang moved **SB 192** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Brown, Howard, Smith F.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 47 - Senator Cohenour moved **SB 47** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 35

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Fielder, Hinebauch, Kary, Lang, Mr President, Regier, Salomon, Smith C, Vance, Webb.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 179 - Senator Kary moved **SB 179** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Vuckovich, Webb, Welborn.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 47 - Senator MacDonald moved **HB 47** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 41

Nays: Ankney, Brown, Cuffe, Ellsworth, Howard, Mr President, Smith C, Vance, Welborn.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 79 - Senator Small moved **HB 79** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 8 - Senator K. Regier moved **SB 8** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McClafferty, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.

Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 83 - Senator Sands moved **HB 83** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 119 - Senator Welborn moved **HB 119** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 24 - Senator Gauthier moved **SB 24** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Lang, Mr President, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 10 - Senator K. Regier moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 10**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber.
Total 43

Nays: Blasdel, Brown, Esp, Howard, Tempel, Vance, Welborn.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 20 - Senator K. Regier moved that the nomination transmitted by the Chief Justice of the Supreme Court be concurred in and confirmed by the Senate in accordance with **SR 20**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Gross moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 24**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 52 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 55 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, Mr President, Olszewski,

Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn.
Total 43

Nays: Ellis, Gross, McNally, Pomnichowski, Sands, Sesso, Webber.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 111 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 9 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 73 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 100 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The final vote reflects a change of vote by Majority Leader Thomas made under Order of Business 9, Motions.

SB 137 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 171 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 44

Nays: Cuffe, Esp, Fielder, Hinebauch, Howard, Regier.
Total 6

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 175 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 196 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 4 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 20 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Vance.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 61 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 63 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 101 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon,

Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 156 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 2/12/2019
SB 65, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "FORFEITURE PROVISIONS,"

2. Page 1, line 22.
Strike: "19"

Insert: "17"

3. Page 4, line 4 through line 6.
Following: "(b)"
Strike: remainder of line 4 through line 6 in their entirety
Insert: "if there was at that time an alcohol concentration in excess of 0.04 but less than 0.08, that fact may not give rise to any inference that the person was or was not under the influence of alcohol, but the fact may be considered with other competent evidence in determining the guilt or innocence of the person; and"

4. Page 8, line 19 through line 20.
Strike: "either:" on line 19 through "(A)" on line 20.

5. Page 8, line 25.
Strike: "(B)"
Insert: "(ii)"

6. Page 8, line 28.
Strike: "(ii)"
Insert: "(iii)"

7. Page 11, line 7 through line 9.
Following: "(3)" on line 7
Strike: remainder of line 7 through "programs." on line 9
Insert: "(a) The chemical dependency assessment must be conducted by a licensed addiction counselor. The chemical dependency education course must be conducted by a certified instructor at a treatment program approved by the department of public health and human services. In addition to the punishments provided in [sections 3 and 4], regardless of disposition, a defendant convicted of a violation of driving under the influence for a first or second time who does not meet the clinical criteria for moderate or severe chemical dependency must complete an evidence-based intervention that is appropriate to the level of offense and is approved by the department of public health and human services. For a first conviction, the evidence-based intervention may include a chemical dependency education course.
(b)"

8. Page 11, line 13 through line 15.
Following: "(4)" on line 13
Strike: remainder of line 13 through "services." on line 15
Insert: "The assessment must be conducted by a licensed addiction counselor using national standard practice assessment and placement criteria that has been approved by the department of public health and human services. It must prescribe the level of care that is clinically warranted to treat the defendant's disorder."

9. Page 11, line 18 through line 20.

Following: "level" on line 18
Strike: remainder of line 18 through "services." on line 20
Insert: "of care prescribed in a defendant's clinical assessment as described in subsection (4)."

10. Page 11, line 21.
Following: line 20
Strike: "must include"
Insert: "defining levels of care and treatment must mandate"

11. Page 12, line 1.
Following: "first-time"
Insert: "or second-time"

12. Page 12, line 9.
Strike: "second or subsequent"
Insert: "third"

13. Page 12, line 10.
Following: "be"
Strike: remainder of line 10
Insert: "one of the following:
(i) DUI or drug treatment court;
(ii) inpatient treatment, if the assessment completed supports it; or
(iii) outpatient treatment with appropriate clinical monitoring for a period specified in a defendant's individualized treatment plan.
(b)In the event that a defendant's chemical dependency assessment does not support any of the above, a defendant may petition the court for an alternative sentence."
Renumber: subsequent subsection

14. Page 12, line 11.
Following: "(9)(a)"
Insert: "(iii)"

15. Page 12, line 19.
Strike: "**-- forfeiture of vehicle**"

16. Page 12, line 21 through line 26.
Following: "may" on line 21
Strike: ":" through "(c)" on line 26

17. Page 13, line 13 through line 24.
Strike: subsection (3) in its entirety

18. Page 14, line 8.
Following: "(b)"

Strike: remainder of line 8
Insert: "(i) Except as provided in subsection (1)(b)(ii), an offender is considered to have been previously convicted for the purposes of sentencing if less than 10 years have elapsed between the commission of the present offense and a previous conviction unless the offense is the offender's third or subsequent offense, in which case all previous convictions must be used for sentencing purposes.
(ii) Subsection (1)(b)(i) does not apply to an offender for whom an expungement pursuant to 46-18-1101 has been ordered."

19. Page 15, line 9.
Strike: "**-- administrative license suspension**"

20. Page 20, line 7 through page 21, line 3.
Strike: section 12 through section 13 in their entirety
Renumber: subsequent sections

21. Page 21, line 6.
Strike: "16"
Insert: "14"

22. Page 22, line 8 through line 10.
Following: "(1)" on line 8
Strike: "The" through "recommend a" on line 9
Insert: "A"
Following: "license" on line 9
Strike: "for"
Insert: "may be issued to"
Following: "influence " on line 10
Insert: "unless the report of conviction includes a statement that the court does not recommend a probationary license"

23. Page 55, line 3.
Strike: ", forfeitures,"

24. Page 62, line 1.
Strike: "16"
Insert: "14"

25. Page 62, line 3.
Strike: "18"
Insert: "16"

26. Page 62, line 5.
Strike: "16"
Insert: "14"

27. Page 62, line 10.
Strike: "45"
Insert: "90"

28. Page 62, line 13.
Strike: "16"
Insert: "14"

29. Page 62, line 15.
Strike: "18"
Insert: "16"

30. Page 62, line 17.
Strike: "16"
Insert: "14"

31. Page 68, line 10.
Strike: "15"
Insert: "13"

32. Page 74, line 17.
Strike: "19"
Insert: "17"

33. Page 74, line 19.
Strike: "19"
Insert: "17"

And, as amended, do pass.

HB 110, be concurred in.
HB 136, be concurred in.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 30, introduced by D. Brown, referred to State Administration.

MOTIONS

Majority Leader Thomas moved that **SB 65**, reported out of the Judiciary Committee this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved to change his third-reading vote on **SB 100** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, February 13, 2019, the thirtieth legislative day. Motion carried.

Senate adjourned at 2:34 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 13, 2019 — State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Hinebaugh. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/13/2019
Correctly printed: **SB 8**, **SB 24**, **SB 47**, **SB 142**, **SB 173**, **SB 179**, **SB 192**, **SB 253**, **HB 47**, **HB 79**, **HB 83**, **HB 91**, **HB 108**, **HB 110**, **HB 119**, **HB 136**.
Correctly engrossed: **SB 44**, **SB 65**, **SB 127**, **HB 74**, **HB 107**.
Transmitted to the House: **SB 9**, **SB 52**, **SB 55**, **SB 73**, **SB 100**, **SB 111**, **SB 137**, **SB 171**, **SB 175**, **SB 196**, **SJ 4**, **HB 20**, **HB 61**, **HB 63**, **HB 101**, **HB 156**.
Signed by the Secretary of the Senate at 4:00 p.m., February 12, 2019: **SB 10**, **SB 11**, **SB 16**.
Signed by the President at 10:00 a.m., February 13, 2019: **SB 10**, **SB 11**, **SB 16**.
Signed by the Speaker at 4:22 p.m., February 13, 2019: **SB 10**, **SB 11**, **SB 16**.

COMMUNICATIONS AND PETITIONS

Senator Osmundson read a proclamation signed by the President and the Speaker congratulating the Montana Farm Bureau Federation on its centennial celebration.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/12/2019
SB 93, introduced bill, be amended as follows:

1. Page 4, line 1.
Insert: "(b) the owner furnishes documents to the department that prove the owner is responsible under the terms and conditions of a lease agreement to provide private bonding. The parties shall agree that release of the agreed upon bond is subject to the approval of the department upon completion of reclamation."
Renumber: subsequent subsections

And, as amended, do pass.

SB 191, do pass.
SJ 6, be adopted.
SJ 7, be adopted.

FINANCE AND CLAIMS (Osmundson, Chair): 2/12/2019
SB 60, introduced bill, be amended as follows:

1. Title, page 1, line 10 through line 11.
Strike: "PROVIDING FOR" on line 10 through "FUNDS;" on line 11

2. Title, page 1, line 13.
Following: "20-26-605,"
Insert: "AND 23-7-402,"

3. Title, page 1, line 14.
Strike: "AN EFFECTIVE DATE"
Insert: "EFFECTIVE DATES AND A TERMINATION DATE"

4. Page 8, line 28.
Following: "(a)"
Strike: "the first $2 million"
Insert: "(i) The first $500,000"
Strike: "each"
Following: "fiscal year"
Insert: "2020"
Following: "transferred"
Insert: "quarterly in equal payments of $125,000"

5. Page 8, line 30.
Strike: "(b)"
Insert: "(ii)"
Strike: "$2 million"
Insert: "$500,000"
Strike: "each"
Following: "fiscal year"
Insert: "2020"

6. Page 8, following line 30.
Insert: "(b) (i) The first $1 million of net revenue in fiscal year 2021 must be transferred quarterly in equal payments of $250,000 to the Montana STEM scholarship program special revenue account established in 20-26-617; and

(ii) net revenue in excess of $1 million in fiscal year 2021 must be transferred to the state general fund.

(c) (i) The first $1.5 million of net revenue in fiscal year 2022 must be transferred quarterly in equal payments of $375,000 to the Montana STEM scholarship program special revenue account established in 20-26-617; and

(ii) net revenue in excess of $1.5 million in fiscal year 2022 must be transferred to the state general fund.

(d) (i) The first $2 million of net revenue in fiscal year 2023 must be transferred quarterly

in equal payments of $500,000 to the Montana STEM scholarship program special revenue account established in 20-26-617; and

(ii) net revenue in excess of $2 million in fiscal year 2023 must be transferred to the state general fund.

(e) (i) The first $2.25 million of net revenue in fiscal year 2024 and subsequent fiscal years must be transferred quarterly in equal payments of $562,500 to the Montana STEM scholarship program special revenue account established in 20-26-617; and

(ii) net revenue in excess of $2.25 million in fiscal year 2024 and subsequent fiscal years must be transferred to the state general fund."

7. Page 9, line 19.
Following: "(a)"
Strike: "the first $2 million"
Insert: "(i) The first $500,000"
Strike: "each"
Following: "fiscal year"
Insert: "2020"
Following: "transferred"
Insert: "quarterly in equal payments of $125,000"

8. Page 9, line 21.
Strike: "(b)"
Insert: "(ii)"
Strike: "$2 million"
Insert: "$500,000"
Strike: "each"
Following: "fiscal year"
Insert: "2020"

9. Page 9, following line 21.
Insert: "(b) (i) The first $1 million of net revenue in fiscal year 2021 must be transferred quarterly in equal payments of $250,000 to the Montana STEM scholarship program special revenue account established in 20-26-617; and

(ii) net revenue in excess of $1 million in fiscal year 2021 must be transferred to the state general fund.

(c) (i) The first $1.5 million of net revenue in fiscal year 2022 must be transferred quarterly in equal payments of $375,000 to the Montana STEM scholarship program special revenue account established in 20-26-617; and

(ii) net revenue in excess of $1.5 million in fiscal year 2022 must be transferred to the state general fund.

(d) (i) The first $2 million of net revenue in fiscal year 2023 must be transferred quarterly in equal payments of $500,000 to the Montana STEM scholarship program special revenue account established in 20-26-617; and

(ii) net revenue in excess of $2 million in fiscal year 2023 must be transferred to the state general fund.

(e) (i) The first $2.25 million of net revenue in fiscal year 2024 and subsequent fiscal years must be transferred quarterly in equal payments of $562,500 to the Montana STEM scholarship program special revenue account established in 20-26-617; and

(ii) net revenue in excess of $2.25 million in fiscal year 2024 and subsequent fiscal years must be transferred to the state general fund.

10. Page 9
Following: line 23
Insert: "Section 16. Section 23-7-402, MCA, is amended to read:

"~~**23-7-402. (Temporary) Disposition of revenue.** (1) A minimum of 45% of the money paid for tickets or chances must be paid out as prize money. The prize money is statutorily appropriated, as provided in 17-7-502, to the lottery.~~

~~(2) Commissions paid to lottery ticket or chance sales agents are not a state lottery operating expense.~~

~~(3) Lottery contractor fees, which are fees paid to contracted lottery vendors based on sales, must be paid from the state lottery enterprise fund. The money to pay lottery contractor fees is statutorily appropriated, as provided in 17-7-502, to the lottery.~~

~~(4) (a) Except as provided in subsection (4)(b), that part of all gross revenue not used for the payment of prizes, commissions, and operating expenses, together with the interest earned on the gross revenue while the gross revenue is in the enterprise fund, is net revenue. Net revenue must be transferred quarterly from the enterprise fund established by 23-7-401 to the state general fund. Once the amount of net revenue transferred to the general fund during a fiscal year equals the amount transferred to the general fund in fiscal year 2015, any additional net revenue must be transferred to the Montana STEM scholarship program special revenue account established in 20-26-617.~~

~~(b) For fiscal year 2016, prior to any net revenue being transferred to the general fund from the enterprise fund, $400,000 of net revenue must be transferred from the enterprise fund to the Montana STEM scholarship special revenue account established in 20-26-617 for the purpose of distributing STEM scholarships pursuant to 20-26-614 through 20-26-617 during the 2015-2016 school year.~~

~~(5) The spending authority of the lottery may be increased in accordance with this section upon review and approval of a revised operation plan by the office of budget and program planning. (Terminates June 30, 2019--sec. 3, Ch. 2, L. 2013.)~~

23-7-402. (Effective July 1, ~~2019~~ <u>2023</u>) Disposition of revenue. (1) A minimum of 45% of the money paid for tickets or chances must be paid out as prize money. The prize money is statutorily appropriated, as provided in 17-7-502, to the lottery.

(2) Commissions paid to lottery ticket or chance sales agents are not a state lottery operating expense.

(3) That part of all gross revenue not used for the payment of prizes, commissions, and operating expenses, together with the interest earned on the gross revenue while the gross revenue is in the enterprise fund, is net revenue. Net revenue must be transferred quarterly from the enterprise fund established by 23-7-401 ~~to the state general fund. Once the amount of net revenue transferred to the general fund during a fiscal year equals the amount transferred to the general fund in fiscal year 2015, any additional net revenue must be transferred to the Montana~~

~~STEM scholarship program special revenue account established in 20-26-617~~ in the following order:

(a) the first $2.25 million of net revenue in each fiscal year must be transferred quarterly in equal payments of $562,500 to the Montana STEM scholarship program special revenue account established in 20-26-617; and

(b) net revenue in excess of $2.25 million in each fiscal year must be transferred to the state general fund.

(4) The spending authority of the lottery may be increased in accordance with this section upon review and approval of a revised operation plan by the office of budget and program planning.""

Renumber: subsequent sections

11. Page 10, line 6 through line 11.
Strike: section 17 in its entirety
Renumber: subsequent sections

12. Page 10, line 16.
Strike: "[This act]"
Insert: "Except as provided in subsection (2), [this act]"

13. Page 10
Following: line 16
Insert: "(2) [Section 16] is effective July 1, 2023."
Insert: "NEW SECTION. **Section 20. Termination.** [Section 15] terminates June 30, 2023."

And, as amended, do pass.

FISH AND GAME (Fielder, Chair): 2/12/2019
SB 44, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "COMBINATION"

2. Title, page 1, line 9.
Following: "87-2-711,"
Insert: "87-2-801,"
Following: "87-2-803,"
Insert: "87-2-805,"

3. Page 11.
Following: line 15
Insert: "Section 15. Section 87-2-801, MCA, is amended to read:

"87-2-801. Licenses for residents over 62 years of age. A resident, as defined in 87-2-102, who is 62 years of age or older may purchase the following for one-half the cost:

(1) a wildlife conservation license;

~~(1)~~(2) a Class A fishing license;
~~(2)~~(3) a Class A-1 upland game bird license;
~~(3)~~(4) a Class A-3 deer A tag;
~~(4)~~(5) a Class A-5 elk tag;
~~(5)~~(6) a Class AAA combination sports license that does not include a Class A-6 black bear tag.""

Renumber: subsequent sections

4. Page 13.
Following: line 26
Insert: "Section 17. Section 87-2-805, MCA, is amended to read:

"87-2-805. Licenses for persons under 18 years of age. (1) Resident and nonresident minors under 12 years of age may fish without a license.

(2) Resident minors who are 12 years of age or older and under 18 years of age may purchase the following for one-half the cost:

(a) a wildlife conservation license;
~~(a)~~(b) a Class A fishing license;
~~(b)~~(c) a Class A-1 upland game bird license;
~~(c)~~(d) a migratory game bird license;
~~(d)~~(e) a Class A-3 deer A tag;
~~(e)~~(f) a Class A-5 elk tag;
~~(f)~~(g) a Class AAA combination sports license that does not include a Class A-6 black bear tag. This subsection ~~(2)(f)~~ (2)(g) does not prohibit a resident minor from purchasing any individual licenses for which the minor may be eligible under this chapter if the minor does not purchase a Class AAA license under this subsection ~~(2)(f)~~ (2)(g). A resident minor who lawfully purchases a Class AAA license pursuant to this subsection ~~(2)(f)~~ (2)(g) at 17 years of age, but who reaches 18 years of age during that license year, may legally use the license during that license year.

(3) A nonresident minor who is 12 years of age or older and under 18 years of age may purchase an upland game bird license and a migratory game bird license for one-half of the nonresident fee. Of the fee paid for the upland game bird license, $17 must be deposited pursuant to 87-1-270 and $7 must be deposited pursuant to 87-1-246.

(4) (a) The department may issue a free resident or nonresident big game combination license, as applicable, or a free resident or nonresident antelope license and wildlife conservation license, as applicable, to a resident or nonresident youth under 18 years of age who has been diagnosed with a life-threatening illness. In order for a youth to qualify for the free license, the department must receive documentation that the youth has been diagnosed with a life-threatening illness from a licensed physician. The free license may be issued to a youth on a one-time basis for only one hunting season. As used in this subsection, "life-threatening illness" means any progressive, degenerative, or malignant disease or condition that results in a significant threat, likelihood, or certainty that the child's life expectancy will not extend past the child's 19th birthday unless the course of the disease is interrupted or abated.

(b) In exercising hunting privileges, the youth must be accompanied by an adult in possession of a valid Montana hunting license or of a licensed Montana outfitter and conduct all hunting within the terms and conditions of the license issued.

(c) The department may waive hunter safety and education and bowhunter education

requirements in 87-2-105 for a qualified youth under this subsection (4) and, in appropriate circumstances, may also allow the qualified youth to hunt from a vehicle in the manner described in 87-2-803.

(d) The department may limit the number of licenses issued pursuant to this subsection (4) to a total of 25 annually.

(5) Prior to reaching 12 years of age, a minor who will reach 12 years of age by January 16 of a license year may hunt any game species after August 15 of that license year as long as the minor obtains the necessary license pursuant to this chapter.""
Renumber: subsequent sections

And, as amended, do pass.

SB 127, introduced bill, be amended as follows:

1. Page 1, line 30 through page 2, line 1.
Strike: ", employed" on page 1, line 30 through "hunter" on page 2, line 1

And, as amended, do pass.

SB 167, do pass.
SB 174, do pass.
HB 43, be concurred in.
HB 143, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/12/2019
SB 158, do pass.

JUDICIARY (Regier, Chair): 2/13/2019
SB 205, do pass.

TAXATION (Webb, Chair): 2/13/2019
HB 200, be concurred in.
HB 201, be amended as follows:

1. Page 2, line 24.
Following: "August 15"
Insert: "and not more than 60 days prior to purchasing the assignment"

2. Page 3, line 10.
Strike: line 10 in their entirety

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/12/2019

HB 93, introduced by D. Skees
HB 146, introduced by K. Holmlund
HB 274, introduced by F. Garner

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 254, introduced by D. Sands, referred to Judiciary.
SB 255, introduced by E. McClafferty, S. Malek, S. Webber, referred to Judiciary.
SB 256, introduced by J. Ellsworth, referred to Fish and Game.
SB 257, introduced by M. Cuffe, referred to Natural Resources.

The following Senate bills, previously introduced, were referred to committees:

SB 244, introduced by M. Blasdel, referred to Energy and Telecommunications.
SB 245, introduced by M. McNally, B. Bennett, C. Boland, D. Barrett, J. Cohenour, J. Ellis, P. Flowers, M. Hopkins, J. Keane, K. Kelker, E. Kerr-Carpenter, M. MacDonald, J. Pomnichowski, J. Sesso, J. Small, referred to Energy and Telecommunications.
SB 246, introduced by M. MacDonald, referred to State Administration.
SB 247, introduced by J. Cohenour, referred to Fish and Game.
SB 248, introduced by J. Cohenour, referred to Highways and Transportation.
SB 249, introduced by S. Fitzpatrick, referred to Highways and Transportation.
SB 250, introduced by S. Fitzpatrick, referred to Natural Resources.
SB 251, introduced by G. Vance, referred to Highways and Transportation.
SB 252, introduced by D. Ankney, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 93, introduced by D. Skees (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
HB 146, introduced by K. Holmlund, D. Bartel, E. Buttrey, A. Doane, R. Fitzgerald, W. Galt, F. Garner, B. Grubbs, J. Kassmier, C. Knudsen, D. Loge, D. Mortensen, J. Read, V. Ricci, D. Zolnikov, Skees, Bedey, referred to Judiciary.
HB 274, introduced by F. Garner, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator MacDonald in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 165 - Majority Leader Thomas moved consideration of **SB 165** be passed for the day. Without objection, so ordered.

HB 66 - Majority Leader Thomas moved consideration of **HB 66** be passed for the day. Without objection, so ordered.

SJ 1 - **Conference Committee Report No. 1** - Majority Leader Thomas moved the Conference Committee report to **SJ 1** be adopted. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 148 - Senator Bennett moved **SB 148** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 34

Nays: Blasdel, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Mr President, Olszewski, Regier, Smith C, Thomas, Vance, Webb.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 84 - Senator Fitzpatrick moved **SB 84** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Vance.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 108 - Senator Sesso moved **SB 108** do pass.

SB 108 - Senator Sesso moved **SB 108**, second reading copy, be amended as follows:

1. Page 2, line 1.
Strike: "$30,000"
Insert: "$40,000"

2. Page 2, line 4.
Strike: "THE NEWLY ADJUSTED LIMITS MUST BE PUBLISHED BY RULE."
Following: "2019."
Insert: "The newly adjusted limits must be rounded to the nearest $1,000 amount and

published by rule."

3. Page 5, line 9.
Strike: "THE NEWLY ADJUSTED LIMITS MUST BE PUBLISHED BY RULE."
Following: "2019."
Insert: "The newly adjusted limits must be rounded to the nearest $1,000 amount and published by rule."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 108 - As amended **SB 108**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 44

Nays: Hinebauch, Kary, Mr President, Olszewski, Vance, Webb.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 103 - Senator Gross moved **HB 103** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 104 - Senator Lang moved **HB 104** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Smith F.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 152 - Senator Barrett moved **SB 152** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber.
Total 27

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Smith C, Tempel, Vance, Webb, Welborn.
Total 23

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 21 - Senator Hoven moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 21**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 22 - Senator Hoven moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 22**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven,

Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 23 - Senator Welborn moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 23**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 42

Nays: Brown, Hinebauch, Howard, Osmundson, Smith C, Thomas, Vance, Webb.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 25 - Senator Welborn moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 25**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vance,

Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Blasdel, Esp, Kary, Keenan, Mr President, Regier, Smith C, Thomas.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator MacDonald moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 8 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 47 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 28

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 160 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 35

Nays: Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 179 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Welborn.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Tempel, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The final vote reflects a change of vote by Senator McNally made under Order of Business 9, Motions.

SB 192 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 45

Nays: Brown, Howard, Mr President, Smith F, Vuckovich.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 47 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Brown, Ellsworth, Smith C, Vance.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 79 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 83 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 119 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 1 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The final vote reflects a change of vote by Senator McClafferty made under Order of Business 9, Motions.

MOTIONS

Senator McNally moved to change her third-reading vote on **SB 179** from Yes to No. Without objection, so ordered.

Senator McClafferty moved to change her third-reading vote on **SJ 1** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, February 14, 2019, the thirty-first legislative day. Motion carried.

Senate adjourned at 2:12 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 14, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Fielder. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/14/2019

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-first through the twenty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 84**, **SB 148**, **SB 152**, **SB 158**, **SB 167**, **SB 174**, **SB 191**, **SB 205**, **SB 244**, **SB 245**, **SB 246**, **SB 247**, **SB 248**, **SB 249**, **SB 250**, **SB 251**, **SB 252**, **SB 254**, **SB 255**, **SB 256**, **SB 257**, **SR 6**, **SR 7**, **HB 43**, **HB 103**, **HB 104**, **HB 143**, **HB 200**.
Correctly engrossed: **SB 40**, **SB 60**, **SB 93**, **SB 108**, **SB 116**, **SB 130**, **SB 132**, **SB 139**, **SB 140**, **HB 201**.
Correctly enrolled: **SB 28**, **SR 10**, **SR 20**,**SR 21**, **SR 22**, **SR 23**, **SR 25**.
Examined by the sponsor and found to be correct: **SB 28**, **SR 10**, **SR 20**.
Transmitted to the House: **SB 8**, **SB 47**, **SB 160**, **SB 179**, **SB 192**, **HB 47**, **HB 79**, **HB 83**, **HB 119**.
Signed by the Secretary of the Senate at 8:20 a.m., February 14, 2019: **SB 28**.
Signed by the President at 8:25 a.m., February 14, 2019: **SB 28**.
Signed by the Speaker at 8:59 a.m., February 14, 2019: **SB 28**.
Delivered to the Governor at 10:37 a.m., February 14, 2019: **SB 10**, **SB 11**, **SB 16**.
Delivered to the Governor at 10:38 a.m., February 14, 2019: **SB 28**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/14/2019
SB 71, introduced bill, be amended as follows:

1. Page 1, line 19.
Strike: "and"

2. Page 1, line 20.
Following: "protection"
Insert: "; and
(c) listed as a brand-name drug on a published, independent national pricing source that is readily available to any person"

3. Page 2, line 6.

Following: "name, that"
Insert: "is"

4. Page 2, line 7.
Strike: "is"

5. Page 2, line 8.
Following: "intended use;"
Strike: "and"

6. Page 2, line 9.
Strike: "is"
Following: "patent protection"
Insert: "; and
(c) listed as a generic drug on a published, independent national pricing source that is readily available to any person"

7. Page 4, line 1.
Strike: "single"

8. Page 4, line 2 through line 3.
Strike: "A health" on line 2 through "for each provider" on line 3
Insert: "The amount paid by a health insurance issuer for a prescription drug must be the same amount received by the provider"

9. Page 4, line 6.
Strike: "given"
Insert: "accessible"

10. Page 4, line 29.
Following: "identified by a"
Insert: "published, independent"

11. Page 5, line 4.
Following: "listed by the"
Insert: "published, independent"

12. Page 5, line 8.
Following: "use only one"
Insert: "published, independent"

13. Page 5, line 10.
Following: "use the same"
Insert: "published, independent"

14. Page 5, line 11.
Following: "name of the"
Insert: "published, independent"

15. Page 5, line 13.
Following: "more than one"
Insert: "published, independent"

16. Page 6, line 7.
Following: "A health insurance issuer shall"
Strike: "display"
Insert: "provide electronic access to"

17. Page 6, line 7 through line 8.
Following: "health benefit plan and" on line 7
Strike: "the" on line 7 through "accessible to" on line 8

18. Page 6, line 8 through line 9.
Strike: "The formulary" on line 8 through "commissioner by rule." on line 9

19. Page 6, line 10.
Strike: "(a)"

20. Page 6, line 11.
Strike: "(i)"
Insert: "(a)"

21. Page 6, line 13.
Strike: "(ii)"
Insert: "(b)"

22. Page 6, line 14.
Following: "limitations on coverage;"
Insert: "and"

23. Page 6, line 15.
Strike: "(iii)"
Insert: "(c)"
Following: "has been placed"
Strike: ";"
Insert: ".
(4) The information provided for applicable benefit levels must include:"

24. Page 6, line 16.
Strike: "(iv)"

Insert: "(a)"

25. Page 6, line 17.
Strike: "(v)"
Insert: "(b)"

26. Page 6, line 18.
Strike: "(b)"
Insert: "(5)"
Strike: "subsection (3)(a)"
Insert: "subsections (3) and (4)"

27. Page 6, line 20.
Following: line 19
Insert: "(6) A health insurance issuer shall review brand-name drugs newly approved by the United States food and drug administration for inclusion on the formulary of a health benefit plan no later than 90 days after approval by the United States food and drug administration."

And, as amended, do pass.

HB 160, be concurred in.
HB 162, be concurred in.
HB 163, be concurred in.
HB 196, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/13/2019

SB 35, do pass.
SB 40, introduced bill, be amended as follows:

1. Title, page 1, line 10.
Following: "GUARDIANS; "
Insert: "AUTHORIZING DEPARTMENT OF JUSTICE STAFF TO ACCESS THE REPOSITORY; "

2. Page 2, following line 5.
Insert: "(5) The office of public instruction shall provide continuous access to the repository to designated missing persons clearinghouse staff at the department of justice. Access to the repository must include the necessary authority to upload and download photographs of students who have been reported missing."

And, as amended, do pass.

SB 130, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "ELECTION"
Insert: "AND HOLD AN ORGANIZATIONAL MEETING"
Strike: "SECTION"
Insert: "SECTIONS 20-3-321 AND"

2. Page 1, line 9.
Insert: "Section 1. Section 20-3-321, MCA, is amended to read:

"20-3-321. Organization and officers. (1) The trustees of each district shall annually organize as a governing board of the district after the regular school election day and after the issuance of the election certificates to the newly elected trustees, but not later than ~~15~~ 25 days after the election. In order to organize, the trustees of the district must be given notice of the time and place where the organization meeting will be held, and at the meeting they shall choose one of their number as the presiding officer. In addition, except for the trustees of a high school district operating a county high school, the trustees shall employ and appoint a competent person, who is not a member of the trustees, as the clerk of the district. The trustees of a high school district operating a county high school shall appoint a secretary, who must be a member of the board.

(2) The presiding officer of the trustees of any district shall serve until the next organization meeting and shall preside at all the meetings of the trustees in accordance with the customary rules of order. The presiding officer shall perform the duties prescribed by this title and any other duties that normally pertain to a presiding officer.

(3) The presiding officer of a board of trustees of an elementary district may be any trustee of the board, including an additional trustee as provided for in 20-3-352(2). If an additional trustee is chosen to serve as the presiding officer of the board of trustees of an elementary district described in 20-3-351(1)(a), the additional trustee may not vote on issues pertaining only to the elementary district.""
Renumber: subsequent sections

And, as amended, do pass.

SB 132, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Following: "DATE"
Insert: "AND AN APPLICABILITY DATE"

2. Page 2, line 24.
Strike: "currently has regular contact with students"
Insert: "has ever had instructional, supervisory, disciplinary, or other authority over the student"

3. Page 3, line 7.
Following: "if"
Insert: "the individuals are married to each other and"

4. Page 3, line 9 through line 12.
Strike: "and" on line 9 through "volunteer" on line 12

5. Page 5, line 3.
Strike: "currently has regular contact with students"
Insert: "has ever had instructional, supervisory, disciplinary, or other authority over the student"

6. Page 5, line 15.
Following: "if"
Insert: "the individuals are married to each other and"

7. Page 5, line 17 through line 20.
Strike: "and" on line 17 through "volunteer" on line 20

8. Page 5, line 22.
Following: "**assistance for**"
Insert: "**current or former**"

9. Page 5, line 25.
Following: "believe that a"
Insert: "current or former"

10. Page 6, line 17.
Following: "applies to"
Insert: "current or former"

11. Page 6, line 20.
Following: "assists a"
Insert: "current or former"

12. Page 6.
Following: line 27
Insert: "NEW SECTION. **Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent sections

13. Page 6.
Following: line 29
Insert: "NEW SECTION. **Section 8. Applicability.** [This act] applies to incidents occurring on or after [the effective date of this act]."

And, as amended, do pass.

SB 139, introduced bill, be amended as follows:

1. Title, page 1.

Following: line 6
Insert: "REVISING REPORTING TO LEGISLATIVE COMMITTEES;"

2. Title, page 1, line 7.
Following: "DATE"
Strike: "AND"
Insert: ","

3. Title, page 1, line 8.
Following: "DATE"
Insert: ", AND A TERMINATION DATE"

4. Page 1, line 17.
Strike: "4"
Insert: "3"

5. Page 1, line 19.
Strike: "25"
Insert: "27"

6. Page 1, line 24.
Strike: ";"
Insert: ". The office of public instruction shall verify that the employer has advertised the position as required under this subsection (1)(a)(iii)."

7. Page 2, line 2.
Strike: "appropriate"
Insert: "education interim committee and the state administration and veterans' affairs interim"

8. Page 2.
Following: line 13
Insert: "(a) "Administrator" means a school principal or district administrator other than a superintendent."
Renumber: subsequent subsections

9. Page 2.
Following: line 20
Insert: "NEW SECTION. **Section 4. Termination.** [This act] terminates June 30, 2025."

And, as amended, do pass.

SB 140, introduced bill, be amended as follows:

1. Page 2, line 2.
Following: "Act"

Insert: ", rules of the board of public education,"

2. Page 2, line 12.
Following: "child"
Insert: "who has not been previously screened by the district and"

3. Page 2, line 26.
Following: "(3)(b)"
Insert: "that:
(A) have minimal or no cost to a district; and
(B) are able to be integrated with a district's existing reading programs"

And, as amended, do pass.

SB 197, do pass.
HB 127, be concurred in.
HB 176, be concurred in.

LOCAL GOVERNMENT (Lang, Chair): 2/13/2019
HB 123, be concurred in.
HB 124, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 2/13/2019
SB 72, do pass.
SB 116, introduced bill, be amended as follows:

1. Page 3, line 7 through line 8.
Strike: "make a reasonable effort to"

2. Page 3.
Following: line 8
Insert: "(e) If a qualified elector or designated agent provides a valid change document to an irrigation district within the 13 days prior to and including election day, the district must provide a notice, which the elector or designated agent may present to the election office and, if votes have not already been cast for the respective irrigable acres, receive a ballot from the election office."

And, as amended, do pass.

HJ 3, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/13/2019

SB 28, introduced by T. Richmond

House bills passed and transmitted to the Senate for concurrence: 2/13/2019

HB 15, introduced by W. Curdy
HB 105, introduced by K. Sullivan
HB 153, introduced by K. Kelker
HB 288, introduced by M. Caferro
HB 296, introduced by C. Knudsen
HB 299, introduced by J. Krotkov
HB 304, introduced by S. Morigeau
HB 316, introduced by K. White
HB 334, introduced by B. Mercer
HB 347, introduced by S. Greef
HB 348, introduced by M. Noland

Senator Sesso arose on a point of personal privilege and informed the members of the Senate that follow-ups to the previous day's discussion of **SB 108** had been placed on each Senator's desk.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 258, introduced by M. Cuffe, referred to State Administration.
SB 259, introduced by D. Brown, referred to Fish and Game.
SB 260, introduced by S. Malek, referred to Highways and Transportation.
SB 261, introduced by D. Sands, referred to Judiciary.
SB 262, introduced by J. Cohenour, B. Bennett, C. Boland, J. Ellis, M. MacDonald, E. McClafferty, D. Sands, S. Webber, referred to Judiciary.
SB 263, introduced by J. Ellsworth, referred to Local Government.
SB 265, introduced by T. Jacobson, referred to Taxation.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 31, introduced by D. Howard, referred to Public Health, Welfare and Safety.

The following Senate bill was introduced and read first time:

SB 264, introduced by J. Small, D. Ankney, B. Bennett, T. Jacobson, J. Keane, R. Lynch, M. McNally, S. Stewart Peregoy, S. Webber.

The following House bills were introduced, read first time, and referred to committees:

HB 15, introduced by W. Curdy, referred to Local Government.
HB 105, introduced by K. Sullivan (by request of the Department of Labor and Industry), referred to Business, Labor, and Economic Affairs.
HB 153, introduced by K. Kelker, K. Dudik, B. Grubbs, E. Kerr-Carpenter, M. Marler, C. Pope, T. Richmond, referred to Education and Cultural Resources.
HB 288, introduced by M. Caferro, referred to Taxation.
HB 296, introduced by C. Knudsen, B. Beard, M. Blasdel, B. Brown, G. DeVries, A. Doane, J. Dooling, D. Dunn, R. Fitzgerald, W. Galt, B. Grubbs, S. Hinebauch, M. Hopkins, T. Jacobson, J. Kassmier, J. Keane, C. Keogh, R. Knudsen, D. Lenz, F. Mandeville, T. Manzella, B. Mercer, S. Morigeau, D. Mortensen, Z. Perry, G. Pierson, R. Shaw, L. Sheldon-Galloway, D. Skees, B. Tschida, B. Usher, P. Webb, T. Welch, D. Zolnikov, referred to Judiciary.
HB 299, introduced by J. Krotkov, F. Anderson, B. Bessette, C. Boland, R. Fitzgerald, B. Hamlett, L. Sheldon-Galloway, referred to Local Government.
HB 304, introduced by S. Morigeau, referred to Judiciary.
HB 316, introduced by K. White, B. Hamlett, M. Hopkins, referred to State Administration.
HB 334, introduced by B. Mercer, referred to Judiciary.
HB 347, introduced by S. Greef, D. Bedey, D. Dunn, P. Webb, J. Windy Boy, referred to Judiciary.
HB 348, introduced by M. Noland, B. Brown, A. Doane, W. Galt, C. Glimm, S. Gunderson, C. Knudsen, B. Tschida, S. Vinton, K. White, Hertz, referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator D. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 165 - Senator MacDonald moved **SB 165** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 66 - Senator Gauthier moved **HB 66** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 159 - Senator Salomon moved **HB 159** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Vance.
Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 175 - Senator Gauthier moved **HB 175** be concurred in.

HB 175 - Senator Keenan moved **HB 175**, second reading copy, be amended as follows:

1. Page 9, line 20.
Following: "occur"
Strike: ","
Insert: "or"
Following: "resources"
Strike: ", or other contingencies arise"

Amendment **adopted** as follows:

Yeas: Barrett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber.
Total 39

Nays: Ankney, Bennett, Boland, Cohenour, Ellis, Jacobson, MacDonald, Sesso, Small, Vuckovich, Welborn.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Cohenour disclosed she is a state employee affected by this bill.

HB 175 - As amended, **HB 175** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon,

Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 168 - Senator Hoven moved **SB 168** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 32

Nays: Blasdel, Brown, Cuffe, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Osmundson, Regier, Salomon, Smith C, Vance, Welborn.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 64 - Senator Fitzpatrick moved **HB 64** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Bennett, Cohenour, Ellis, Gross, Jacobson, McNally, Pomnichowski, Sesso.

Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 67 - Senator Gauthier moved **HB 67** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Howard.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 71 - Senator Osmundson moved **HB 71** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 74 - Senator Fitzpatrick moved **HB 74** be concurred in.

HB 74 - Senator McConnell moved **HB 74**, second reading copy, be amended as follows:

1. Page 2, line 6.
Following: line 5
Insert: "(d) In pursuing restitution or other relief under this section for the benefit of a person who has sustained a loss resulting from a violation of this title, the commissioner may not include as part of any release or consent agreement any term that includes a waiver of the person's right to any other civil remedies."

Motion to amend **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 30

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 74 - Bill concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 91 - Senator Malek moved **HB 91** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Blasdel, Mr President.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 107 - Senator Small moved **HB 107** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Mr President, Vance.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 108 - Senator Boland moved **HB 108** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 44

Nays: Brown, Hinebauch, Kary, Mr President, Smith C, Vance.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator D. Brown moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 84 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Brown, Vance.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 148 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 152 passed as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 28

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 103 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 49

Nays: Welborn.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 104 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Phillips moved that **SB 190** be taken from Energy and Telecommunications Committee and brought before the Committee of the Whole for second reading. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 29

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Senator Thomas moved **SB 71**, reported out of the Business, Labor, and Economic Affairs Committee this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Senator Sands arose on a point of personal privilege and reminded Senate members that today is the one-year anniversary of the school shooting in Parkland, Florida.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, February 15, 2019, the thirty-second day. Motion carried.

Senate adjourned at 2:19 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 15, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Hinebaugh. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Flowers excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/15/2019
Correctly printed: **SB 35**, **SB 72**, **SB 127**, **SB 165**, **SB 168**, **SB 197**, **SB 258**, **SB 259**, **SB 260**, **SB 261**, **SB 262**, **SB 263**, **SB 264**, **SB 265**, **SR 31**, **HB 64**, **HB 66**, **HB 67**, **HB 71**, **HB 74**, **HB 91**, **HB 107**, **HB 108**, **HB 123**, **HB 124**, **HB 127**, **HB 159**, **HB 160**, **HB 162**, **HB 163**, **HB 176**, **HB 196**, **HJ 3**.
Correctly engrossed: **SB 71**, **SB 78**, **HB 175**.
Correctly enrolled: **SJ 1**.
Examined by the sponsor and found to be correct: **SJ 1**, **SR 21**, **SR 22**, **SR 23**, **SR 25**.
Transmitted to the House: **SB 84**, **SB 148**, **SB 152**, **HB 103**, **HB 104**.
Signed by the Secretary of the Senate at 4:10 p.m., February 14, 2019: **SR 10**, **SR 20**.
Signed by the Secretary of the Senate at 3:50 p.m., February 15, 2019: **SR 21**, **SR 22**, **SR 23**, **SR 25**, **SJ 1**.
Signed by the President at 8:15 a.m., February 15, 2019: **SR 10**, **SR 20**.
Signed by the President at 4:00 p.m., February 15, 2019: **SR 21**, **SR 22**, **SR 23**, **SR 25, SJ 1**.
Delivered to the Secretary of State at 12:15 p.m., February 15, 2019: **SR 10**, **SR 20**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 2/14/2019
SB 176, do pass.
SB 177, do pass.
HB 50, be amended as follows:

1. Page 2, line 15.
Strike: "<u>may</u>"
Insert: "shall"

2. Page 2, line 18.
Following: "<u>part 6.</u>"
Insert: "The department shall adopt the rules within 3 months of [the effective date of this act]. The department may not enforce penalties provided for in this section until the rules are adopted."

3. Page 3, line 15.
Strike: "may"
Insert: "shall"

4. Page 3, line 18.
Following: "part 6."
Insert: "The department shall adopt the rules within 3 months of [the effective date of this act]. The department may not enforce penalties provided for in this section until the rules are adopted."

And, as amended, be concurred in.

HB 51, be concurred in.
HB 102, be amended as follows:

1. Page 1, line 15.
Following: "**penalty**."
Insert: "(1)"

2. Page 1, line 17 through line 18.
Strike: "occurrence." on line 17 through "part 6." on line 18
Insert: "monthly report not filed but required by administrative rule.

(2) The department shall establish by rule a penalty matrix that schedules the types of penalties, the amounts for initial and subsequent offenses, and other matters necessary for the administration of civil penalties under this section. The issuance of a civil penalty is subject to the contested case procedures of Title 2, chapter 4, part 6. The department shall adopt the rules within 3 months of [the effective date of this act]. The department may not enforce the penalties provided for in this section until the rules are adopted.

(3)"

3. Page 2, line 3.
Following: "**penalty**."
Insert: "(1)"

4. Page 2, line 5 through line 6.
Strike: "occurrence." on line 5 through "part 6." on line 6
Insert: "monthly statement not filed but required by administrative rule.

(2) The department shall establish by rule a penalty matrix that schedules the types of penalties, the amounts for initial and subsequent offenses, and other matters necessary for the administration of civil penalties under this section. The issuance of a civil penalty is subject to the contested case procedures of Title 2, chapter 4, part 6. The department shall adopt the rules within 3 months of [the effective date of this act]. The department may not enforce the penalties provided for in this section until the rules are adopted.

(3)"

And, as amended, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/14/2019
SB 78, introduced bill, be amended as follows:

1. Page 2, line 24 through line 28.
Following: "(iii)" on line 24
Strike: remainder of line 24 through line 28
Insert: "If an insurer is currently paying medical benefits 90 days prior to when the injured worker's medical benefits are due to terminate, the insurer shall provide notification to the injured worker and the injured worker's attorney, if applicable, that the injured worker's benefits will cease, of the date the benefits will terminate, and of available remedies. Notice must be sent to the injured worker's last-known mailing address and the injured worker's attorney, if applicable. The fact of payment of medical benefits after the insurer gives notice does not constitute a reason, in and of itself, sufficient to justify reopening medical benefits. However, an insurer that fails to notify the injured worker and, if applicable, the injured worker's attorney shall continue to pay the injured worker's benefits until notification is made."

And, as amended, do pass.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/15/2019
SB 125, introduced bill, be amended as follows:

1. Page 1, line 23.
Strike: "or stop-loss insurance,"

2. Page 3, line 11.
Strike: "up to seven"
Insert: "five"

3. Page 3, line 13.
Strike: "one director"
Insert: "three directors, one each"
Strike: "each of"

4. Page 3, line 13 through line 14.
Following: "eligible health insurers" on line 13
Strike: remainder of line 13 through "health insurers" on line 14

5. Page 3, line 14.
Following: "market"
Strike: ";"
Insert: ". If there are fewer than three, the board shall select another director from a health insurance issuer that markets primarily major medical insurance."

6. Page 3, line 15.
Strike: "two"
Insert: "one"
Strike: "directors"
Insert: "director"
Strike: "are participating members"
Insert: "is a participating member"

7. Page 3, line 17.
Strike: "two directors"
Insert: "one director"

8. Page 3, line 26.
Following: "plan of operation"
Strike: "and the reinsurance parameters"

9. Page 3, line 26 through line 27.
Following: "by the board" on line 26
Strike: remainder of line 26 through "following year" on line 27
Insert: "as needed within 30 days of receiving the plan or amendments to the plan from the board"

10. Page 3, line 28.
Following: "(c)"
Insert: "with the assistance of the association,"
Following: "collect the assessment"
Insert: "and the federal funding designated for this program"

11. Page 3, line 29.
Strike: "all"

12. Page 4, line 9.
Following: "plan of operation"
Strike: ", including"
Insert: "and"

13. Page 4, line 11.
Following: "parameters"
Insert: ", if needed,"

14. Page 4, line 12.
Following: "operation"
Strike: ", articles of incorporation, and bylaws"

15. Page 4, line 21.
Following: "association;"

Insert: "and"

16. Page 4, line 22.
Strike: subsection (c) in its entirety
Renumber: subsequent subsection

17. Page 5, line 16 through line 17.
Strike: "including any insurer selling" on line 16 through "stop-loss insurance in this state," on line 17

18. Page 5, line 21.
Strike: "including any insurer selling stop-loss insurance in this state,"

And, as amended, do pass.

SB 223, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/14/2019
HB 206, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/14/2019
SB 226, do pass.

JUDICIARY (Regier, Chair): 2/15/2019
SB 147, introduced bill, be amended as follows:

1. Title, page 1, line 11, through page 1, line 12.
Strike: "TO" on line 11 through "NEGATED" on line 12
Insert: "IS NOT A DEFENSE TO HUMAN TRAFFICKING AND SEX CRIMES"

2. Title, page 1, line 14.
Following: "COERCION;"
Insert: "REFORMING LAWS RELATED TO HUMAN TRAFFICKING TO CONFORM PENALTIES AND LANGUAGE TO LAWS RELATED TO SEX CRIMES;"
Strike: "45-5-501"
Insert: "45-2-211"
Following: "45-5-603,"
Insert: "45-5-702, 45-5-704, 45-5-705, 45-5-709,"

3. Title, page 1, line 15.
Following: "46-18-104,"
Strike: "AND"
Insert: "46-18-111, 46-18-207, 46-18-219,"
Following: "46-18-231,"
Insert: "AND 46-23-502,"

4. Page 1, line 20 through page 8, line 22.
Strike: everything after the enacting clause
Insert: "Section 1. Section 45-2-211, MCA, is amended to read:

"45-2-211. Consent as defense. (1) The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense.

(2) Consent is ineffective if:

(a) it is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense;

(b) it is given by a person who by reason of youth, mental disease or disorder, or intoxication is unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;

(c) it is induced by force, duress, or deception; ~~or~~

(d) it is against public policy to permit the conduct or the resulting harm, even though consented to; or

(e) for offenses under 45-5-502, 45-5-503, 45-5-508, 45-5-601, 45-5-602, 45-5-603, or Title 45, chapter 5, part 7, it is given by a person who the offender knew or reasonably should have known was a victim of human trafficking, as defined in 45-5-701, or was subjected to force, fraud, or coercion, either of which caused the person to be in the situation where the offense occurred.""
Insert: "Section 2. Section 45-5-601, MCA, is amended to read:

"45-5-601. Prostitution -- patronizing a prostitute -- exception. (1) ~~A~~ Except as provided in subsection (2)(a), ~~person commits~~ the offense of prostitution is committed if ~~the~~ a person engages in or agrees or offers to engage in sexual intercourse or sexual contact that is direct and not through clothing with another person for compensation, whether the compensation is received or to be received or paid or to be paid.

(2) (a) A prostitute may be convicted of prostitution only if the prostitute engages in or agrees or offers to engage in sexual intercourse with another person for compensation, whether the compensation is received or to be received or paid or to be paid. A prostitute who is convicted of prostitution ~~shall~~ may be fined an amount not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(b) A patron may be convicted of patronizing a prostitute if the patron engages in or agrees or offers to engage in sexual intercourse or sexual contact that is direct and not through clothing with another person for compensation, whether the compensation is received or to be received or paid or to be paid. Except as provided in ~~subsection (3)~~ subsections (3) and (4), a patron who is convicted of prostitution shall for the first offense be fined an amount not to exceed $1,000 or be imprisoned for a term not to exceed 1 year, or both, and for a second or subsequent offense shall be fined an amount not to exceed $10,000 or be imprisoned for a term not to exceed 5 years, or both.

(3) (a) If the person patronized was a child and the patron was 18 years of age or older at the time of the offense, whether or not the patron was aware of the child's age, the patron offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (3)(a)(i) except as provided in 46-18-222, and during the first 25 years of imprisonment, the offender is not eligible for parole.

(ii) may be fined an amount not to exceed $50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the

cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(4) If the person patronized was a victim of human trafficking, as defined in 45-5-701, or was subjected to force, fraud, or coercion, either of which caused the person to be in the situation where the offense occurred, and the patron offender was 18 years of age or older at the time of the offense and knew or reasonably should have known that the person patronized was a victim of human trafficking or was subjected to force, fraud, or coercion, the patron offender:

(a) shall be punished by imprisonment in a state prison for a term of up to 10 years; and

(b) may be fined an amount not to exceed $25,000.

(5) It is not a violation of this 45-5-602, 45-5-603, or this section for a person with an impaired physical ability, physical dysfunction, recent injury, or other disability to engage in sex therapy with a partner surrogate who is working under the supervision of a social worker, professional counselor, or licensed clinical professional counselor licensed under Title 37, chapter 22 or 23.""

Insert: "Section 3. Section 45-5-602, MCA, is amended to read:

"45-5-602. Promoting prostitution. (1) A person commits the offense of promoting prostitution if the person purposely or knowingly commits any of the following acts:

(a) owns, controls, manages, supervises, resides in, or otherwise keeps, alone or in association with others, a house of prostitution or a prostitution business;

(b) procures an individual for a house of prostitution or a place in a house of prostitution for an individual;

(c) encourages, induces, or otherwise purposely causes another to become or remain a prostitute;

(d) solicits clients for another person who is a prostitute;

(e) procures a prostitute for a patron;

(f) transports an individual into or within this state with the purpose to promote that individual's engaging in prostitution or procures or pays for transportation with that purpose;

(g) leases or otherwise permits a place controlled by the offender, alone or in association with others, to be regularly used for prostitution or for the procurement of prostitution or fails to make reasonable effort to abate that use by ejecting the tenant, notifying law enforcement authorities, or using other legally available means; or

(h) lives in whole or in part upon the earnings of an individual engaging in prostitution, unless the person is the prostitute's minor child or other legal dependent incapable of self-support.

(2) Except as provided in ~~subsection (3)~~ subsections (3) and (4), a person convicted of promoting prostitution shall be fined an amount not to exceed $50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both.

(3) (a) If the person engaging in prostitution was a child and the ~~patron~~ offender was 18 years of age or older at the time of the offense, whether or not the ~~patron~~ offender was aware of the child's age, the ~~patron~~ offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment

imposed under this subsection (3)(a)(i) except as provided in 46-18-222, and during the first 25 years of imprisonment, the offender is not eligible for parole.

(ii) may be fined an amount not to exceed $50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(4) If the person engaging in prostitution was a victim of human trafficking, as defined in 45-5-701, or was subjected to force, fraud, or coercion, either of which caused the person to be in the situation where the offense occurred, and the offender was 18 years of age or older at the time of the offense and knew or reasonably should have known that the person was a victim of human trafficking or was subjected to force, fraud, or coercion, the offender:

(a) shall be punished by imprisonment in a state prison for a term of not more than 20 years; and

(b) may be fined an amount not to exceed $50,000.""

Insert: "Section 4. Section 45-5-603, MCA, is amended to read:

"45-5-603. Aggravated promotion of prostitution. (1) A person commits the offense of aggravated promotion of prostitution if the person purposely or knowingly commits any of the following acts:

(a) compels another to engage in or promote prostitution;

(b) promotes prostitution of a child, whether or not the person is aware of the child's age;

(c) promotes the prostitution of one's spouse, child, ward, or any person for whose care, protection, or support the person is responsible.

(2) (a) Except as provided in ~~subsection (2)(b)~~ subsections (2)(b) and (2)(c), a person convicted of aggravated promotion of prostitution shall be punished by:

(i) life imprisonment; or

(ii) imprisonment in a state prison for a term not to exceed 20 years or a fine in an amount not to exceed $50,000, or both.

(b) (i) Except as provided in 46-18-219 and 46-18-222, if the person engaging in prostitution was a child and the ~~patron~~ offender was 18 years of age or older at the time of the offense, the ~~patron~~ offender:

(A) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first 25 years of a sentence of imprisonment imposed under this subsection (2)(b)(i)(A) except as provided in 46-18-222, and during the first 25 years of imprisonment, the offender is not eligible for parole.

(B) may be fined an amount not to exceed $50,000; and

(C) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(ii) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring

provided for in 46-23-1010.

(c) If the person engaging in prostitution was a victim of human trafficking, as defined in 45-5-701, or was subjected to force, fraud, or coercion, either of which caused the person to be in the situation where the offense occurred, and the offender was 18 years of age or older at the time of the offense and knew or reasonably should have known that the person was a victim of human trafficking or was subjected to force, fraud, or coercion, the offender:

(i) shall be punished by imprisonment in a state prison for a term of not more than 30 years;

(ii) may be fined an amount not to exceed $50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.""

Insert: "Section 5. Section 45-5-702, MCA, is amended to read:

"45-5-702. Trafficking of persons. (1) A person commits the offense of trafficking of persons if the person purposely or knowingly:

(a) recruits, transports, transfers, harbors, receives, provides, obtains, isolates, maintains, or entices another person intending or knowing that the person will be subjected to involuntary servitude or sexual servitude; or

(b) benefits, financially or by receiving anything of value, from facilitating any conduct described in subsection (1)(a) or from participation in a venture that has subjected another person to involuntary servitude or sexual servitude.

(2) (a) Except as provided in ~~subsection (2)(b)~~ subsections (2)(b) and (2)(c), a person convicted of the offense of trafficking of persons shall be imprisoned in the state prison for a term of not more than 15 years, fined an amount not to exceed $50,000, or both.

(b) A person convicted of the offense of trafficking of persons shall be imprisoned in the state prison for a term of not more than 50 years, ~~and may be~~ fined ~~not more than~~ an amount not to exceed $100,000, or both, if~~:~~

~~(i) the violation involves aggravated kidnapping, sexual intercourse without consent, or deliberate homicide; or~~

~~(ii)~~ the victim was a child.

(c) A person convicted of the offense of trafficking of persons shall be imprisoned in the state prison for a term of not more than 25 years, fined an amount not to exceed $75,000, or both, if the violation involves aggravated kidnapping, aggravated sexual intercourse without consent, or deliberate homicide.""

Insert: "Section 6. Section 45-5-704, MCA, is amended to read:

"45-5-704. Sexual servitude. (1) A person commits the offense of sexual servitude if the person purposely or knowingly:

(a) uses fraud, coercion, or deception to compel an adult to engage in commercial sexual activity; or

(b) recruits, transports, transfers, harbors, receives, provides, obtains by any means, isolates, entices, maintains, or makes available a child for the purpose of commercial sexual activity.

(2) It is not a defense in a prosecution under subsection (1)(b) that the child consented to engage in commercial sexual activity or that the defendant believed the child was an adult.

(3) (a) A person convicted of the offense of sexual servitude under subsection (1)(a) shall be imprisoned in the state prison for a term of not more than 15 years, fined an amount not to

exceed $50,000, or both.

(b) A person convicted of the offense of sexual servitude under subsection (1)(b) shall be imprisoned in the state prison for a term of not more than 25 years and fined an amount not to exceed $75,000.""

Insert: "Section 7. Section 45-5-705, MCA, is amended to read:

"45-5-705. Patronizing victim of sexual servitude. (1) A person commits the offense of patronizing a victim of sexual servitude if the person purposely or knowingly gives, agrees to give, or offers to give anything of value so that a person may engage in commercial sexual activity ~~with~~:

(a) that involves sexual contact that is direct and not through clothing with another person who the person knows or reasonably should have known is a victim of sexual servitude; or

(b) with a child.

(2) (a) Except as provided in subsection (2)(b), a person convicted of the offense of patronizing a victim of sexual servitude shall be imprisoned in the state prison for a term of not more than 15 years, fined an amount not to exceed $50,000, or both.

(b) If the individual patronized was a child, a person convicted of the offense of patronizing a victim of sexual servitude, whether or not the person believed the child was an adult, shall be imprisoned in the state prison for a term of not more than 25 years and fined an amount not to exceed $75,000.""

Insert: "Section 8. Section 45-5-709, MCA, is amended to read:

"45-5-709. Immunity of child -- sex therapy participants. (1) A person is not criminally liable or subject to proceedings under Title 41, chapter 5, for prostitution, promoting prostitution, or other nonviolent offenses if the person was a child at the time of the offense and committed the offense as a direct result of being a victim of human trafficking.

(2) A person who has engaged in commercial sexual activity is not criminally liable or subject to proceedings under Title 41, chapter 5, for prostitution ~~or promoting prostitution~~ if the person was a child at the time of the offense.

(3) A child who under subsection (1) or (2) is not subject to criminal liability or proceedings under Title 41, chapter 5, is presumed to be a youth in need of care under Title 41, chapter 3.

(4) ~~This section does~~ Subsections (1) through (3) do not apply in a prosecution under 45-5-601 or a proceeding under Title 41, chapter 5, for patronizing a prostitute.

(5) It is not a violation of this part for a person with an impaired physical ability, physical dysfunction, recent injury, or other disability to engage in sex therapy with a partner surrogate who is working under the supervision of a social worker, professional counselor, or licensed clinical professional counselor licensed under Title 37, chapter 22 or 23.""

Insert: "Section 9. Section 46-18-104, MCA, is amended to read:

"46-18-104. Definitions. As used in 46-18-101, 46-18-105, 46-18-201, 46-18-225, and this section, unless the context requires otherwise, the following definitions apply:

(1) "Community corrections" or "community corrections facility or program" means a community corrections facility or program as defined in 53-30-303.

(2) (a) "Crime of violence" means:

(i) a crime in which an offender uses or possesses and threatens to use a deadly weapon during the commission or attempted commission of a crime;

(ii) a crime in which the offender causes serious bodily injury or death to a person other than the offender; or

(iii) an offense under:

(A) 45-5-502 for which the maximum potential sentence is life imprisonment or imprisonment in a state prison for a term exceeding 1 year;

(B) 45-5-503, except as provided in subsection (2)(b) of this section; ~~or~~

(C) 45-5-507 if the victim is under 16 years of age and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing the offense;

(D) 45-5-508;

(E) 45-5-603;

(F) 45-5-702;

(G) 45-5-703;

(H) 45-5-704; or

(I) 45-5-705.

(b) In a prosecution under 45-5-503, if the sexual intercourse was without consent based solely on the victim's age, the victim willingly participated, and the offender is not more than 3 years older than the victim, the offense is not a crime of violence for purposes of this section.

(3) "Nonviolent felony offender" means a person who has entered a plea of guilty or nolo contendere to a felony offense other than a crime of violence or who has been convicted of a felony offense other than a crime of violence.

(4) "Restorative justice" has the meaning provided in 2-15-2013.""

Insert: "Section 10. Section 46-18-111, MCA, is amended to read:

"46-18-111. Presentence investigation -- when required -- definition. (1) (a) (i) Upon the acceptance of a plea or upon a verdict or finding of guilty to one or more felony offenses, the district court shall direct the probation and parole officer to make a presentence investigation and report unless an investigation and report has been provided to the court prior to the plea or the verdict or finding of guilty.

(ii) Unless additional information is required under subsections (1)(b), (1)(c), or (1)(d) or unless more time is required to allow for victim input, a preliminary or final presentence investigation and report must be available to the court within 30 days of the plea or the verdict or finding of guilty.

(iii) The district court shall consider the presentence investigation report prior to sentencing.

(b) If the defendant was convicted of an offense under 45-5-502, 45-5-503, 45-5-504, 45-5-507, 45-5-508, 45-5-601(3), 45-5-602(3), 45-5-603(2)(b) or (2)(c), 45-5-625, 45-5-627, 45-5-704, 45-5-705, or 45-8-218 or if the defendant was convicted under 46-23-507 and the offender was convicted of failure to register as a sexual offender pursuant to Title 46, chapter 23, part 5, the investigation must include a psychosexual evaluation of the defendant and a recommendation as to treatment of the defendant in the least restrictive environment, considering the risk the defendant presents to the community and the defendant's needs, unless the defendant was sentenced under 46-18-219. The evaluation must be completed by a sexual offender evaluator who is a member of the Montana sex offender treatment association or has comparable credentials acceptable to the department of labor and industry. The psychosexual evaluation must be made available to the county attorney's office, the defense attorney, the probation and parole officer, and the sentencing judge. All costs related to the evaluation must be paid by the defendant. If the defendant is determined by the district court to be indigent, all costs related to the evaluation are the responsibility of the district court and must be paid by the county or the state, or both, under Title 3, chapter 5, part 9. The district court may order subsequent psychosexual evaluations at the

request of the county attorney. The requestor of any subsequent psychosexual evaluations is responsible for the cost of the evaluation.

(c) If the defendant was convicted of an offense under 45-5-212(2)(b) or (2)(c), the investigation may include a mental health evaluation of the defendant and a recommendation as to treatment of the defendant in the least restrictive environment, considering the risk the defendant presents to the community and the defendant's needs. The evaluation must be completed by a qualified psychiatrist, licensed clinical psychologist, advanced practice registered nurse, or other professional with comparable credentials acceptable to the department of labor and industry. The mental health evaluation must be made available to the county attorney's office, the defense attorney, the probation and parole officer, and the sentencing judge. All costs related to the evaluation must be paid by the defendant. If the defendant is determined by the district court to be indigent, all costs related to the evaluation are the responsibility of the district court and must be paid by the county or the state, or both, under Title 3, chapter 5, part 9.

(d) When, pursuant to 46-14-311, the court has ordered a presentence investigation and a report pursuant to this section, the mental evaluation required by 46-14-311 must be attached to the presentence investigation report and becomes part of the report. The report must be made available to persons and entities as provided in 46-18-113.

(2) The court shall order a presentence investigation report unless the court makes a finding that a report is unnecessary. Unless the court makes that finding, a defendant convicted of any offense not enumerated in subsection (1) that may result in incarceration for 1 year or more may not be sentenced before a written presentence investigation report by a probation and parole officer is presented to and considered by the district court. The district court may order a presentence investigation for a defendant convicted of a misdemeanor only if the defendant was convicted of a misdemeanor that the state originally charged as a sexual or violent offense as defined in 46-23-502.

(3) The defendant shall pay to the department of corrections a $50 fee at the time that the report is completed, unless the court determines that the defendant is not able to pay the fee within a reasonable time. The fee may be retained by the department and used to finance contracts entered into under 53-1-203(5).

(4) For the purposes of 46-18-112 and this section, "probation and parole officer" means:

(a) a probation and parole officer who is employed by the department of corrections pursuant to 46-23-1002; or

(b) an employee of the department of corrections who has received specific training or who possesses specific expertise to make a presentence investigation and report but who is not required to be licensed as a probation and parole officer by the public safety officer standards and training council created in 2-15-2029.""

Insert: "Section 11. Section 46-18-207, MCA, is amended to read:

"46-18-207. Sexual offender treatment. (1) Upon sentencing a person convicted of a sexual offense, as defined in 46-23-502, the court shall designate the offender as a level 1, 2, or 3 offender pursuant to 46-23-509.

(2) (a) Except as provided in subsection (2)(b), the court shall order an offender convicted of a sexual offense, as defined in 46-23-502, except an offense under 45-5-301 through 45-5-303, and sentenced to imprisonment in a state prison to:

(i) enroll in and successfully complete the educational phase of the prison's sexual offender treatment program;

(ii) if the person has been or will be designated as a level 3 offender pursuant to 46-23-509, enroll in and successfully complete the cognitive and behavioral phase of the prison's sexual offender treatment program; and

(iii) if the person is sentenced pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), or 45-5-625(4) and is released on parole, remain in an outpatient sexual offender treatment program for the remainder of the person's life.

(b) A person who has been sentenced to life imprisonment without possibility of release may not participate in treatment provided pursuant to this section.

(3) A person who has been ordered to enroll in and successfully complete a phase of a state prison's sexual offender treatment program is not eligible for parole unless that phase of the program has been successfully completed as certified by a sexual offender evaluator to the board of pardons and parole.

(4) (a) Except for an offender sentenced pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b) <u>or (2)(c)</u>, or 45-5-625(4), during an offender's term of commitment to the department of corrections or a state prison, the department may place the person in a residential sexual offender treatment program approved by the department under 53-1-203.

(b) If the person successfully completes a residential sexual offender treatment program approved by the department of corrections, the remainder of the term must be served on probation unless the department petitions the sentencing court to amend the original sentencing judgment.

(5) If, following a conviction for a sexual offense as defined in 46-23-502, any portion of a person's sentence is suspended, during the suspended portion of the sentence the person:

(a) shall abide by the standard conditions of probation established by the department of corrections;

(b) shall pay the costs of imprisonment, probation, and any sexual offender treatment if the person is financially able to pay those costs;

(c) may have no contact with the victim or the victim's immediate family unless approved by the victim or the victim's parent or guardian, the person's therapists, and the person's probation officer;

(d) shall comply with all requirements and conditions of sexual offender treatment as directed by the person's sex offender therapist;

(e) may not enter an establishment where alcoholic beverages are sold for consumption on the premises or where gambling takes place;

(f) may not consume alcoholic beverages;

(g) shall enter and remain in an aftercare program as directed by the person's probation officer;

(h) shall submit to random or routine drug and alcohol testing;

(i) may not possess pornographic material or access pornography through the internet; and

(j) at the discretion of the probation and parole officer, may be subject to electronic monitoring or continuous satellite monitoring.

(6) The sentencing of a sexual offender is subject to 46-18-202(2) and 46-18-219.

(7) The sentencing court may, upon petition by the department of corrections, modify a sentence of a sexual offender to impose any part of a sentence that was previously suspended.""

Insert: "Section 12. Section 46-18-219, MCA, is amended to read:

"46-18-219. Life sentence without possibility of release. (1) (a) Except as provided in subsection (3), if an offender convicted of one of the following offenses was previously convicted

of one of the following offenses or of an offense under the laws of another state or of the United States that, if committed in this state, would be one of the following offenses, the offender must be sentenced to life in prison, unless the death penalty is applicable and imposed:

(i) 45-5-102, deliberate homicide;

(ii) 45-5-303, aggravated kidnapping;

(iii) 45-5-625, sexual abuse of children;

(iv) 45-5-627, except subsection (1)(b), ritual abuse of a minor; or

(v) 45-5-508, aggravated sexual intercourse without consent.

(b) Except as provided in subsection (3), if an offender convicted of one of the following offenses was previously convicted of two of the following offenses, two of any combination of the offenses listed in subsection (1)(a) or the following offenses, or two of any offenses under the laws of another state or of the United States that, if committed in this state, would be one of the offenses listed in subsection (1)(a) or this subsection, the offender must be sentenced to life in prison, unless the death penalty is applicable and imposed:

(i) 45-5-103, mitigated deliberate homicide;

(ii) 45-5-202, aggravated assault;

(iii) 45-5-215, strangulation of a partner or family member;

(iv) 45-5-302, kidnapping;

(v) 45-5-401, robbery; or

(vi) 45-5-603(2)(b), aggravated promotion of prostitution of a child.

(2) Except as provided in 46-23-210 and subsection (3) of this section, an offender sentenced under subsection (1):

(a) shall serve the entire sentence;

(b) shall serve the sentence in prison;

(c) may not for any reason, except a medical reason, be transferred for any length of time to another type of institution, facility, or program;

(d) may not be paroled; and

(e) may not be given time off for good behavior or otherwise be given an early release for any reason.

(3) If the offender was previously sentenced for either of two or three offenses listed in subsection (1), pursuant to any of the exceptions listed in 46-18-222, then the provisions of subsections (1) and (2) of this section do not apply to the offender's present sentence.

(4) The imposition or execution of the sentences prescribed by this section may not be deferred or suspended. In the event of a conflict between this section and any provision of 46-18-201 or 46-18-205, this section prevails.

(5) (a) For purposes of this section, "prison" means a secure detention facility in which inmates are locked up 24 hours a day and that is operated by this state, another state, the federal government, or a private contractor.

(b) Prison does not include a work release center, prerelease center, boot camp, or any other type of facility that does not provide secure detention.""

Insert: "Section 13. Section 46-18-231, MCA, is amended to read:

"46-18-231. Fines in felony and misdemeanor cases. (1) (a) Except as provided in subsection (1)(b), whenever, upon a verdict of guilty or a plea of guilty or nolo contendere, an offender has been found guilty of an offense for which a felony penalty of imprisonment could be imposed, the sentencing judge may, in lieu of or in addition to a sentence of imprisonment, impose

a fine only in accordance with subsection (3).

(b) For those crimes for which penalties are provided in the following sections, a fine may be imposed in accordance with subsection (3) in addition to a sentence of imprisonment:

(i) 45-5-103(4), mitigated deliberate homicide;

(ii) 45-5-202, aggravated assault;

(iii) 45-5-213, assault with a weapon;

(iv) 45-5-302(2), kidnapping;

(v) 45-5-303(2), aggravated kidnapping;

(vi) 45-5-401(2), robbery;

(vii) 45-5-502(3), sexual assault when the victim is less than 16 years old and the offender is 3 or more years older than the victim or the offender inflicts bodily injury in the course of committing the sexual assault;

(viii) 45-5-503(2) through (5), sexual intercourse without consent;

(ix) 45-5-507(5), incest when the victim is 12 years of age or younger and the offender is 18 years of age or older at the time of the offense;

(x) 45-5-508, aggravated sexual intercourse without consent;

~~(x)~~(xi) 45-5-601(3) or (4),45-5-602(3) or (4), or 45-5-603(2)(b) or (2)(c), prostitution, promotion of prostitution, or aggravated promotion of prostitution when the person patronized or engaging in prostitution was a child and the ~~patron~~ offender was 18 years of age or older at the time of the offense or when the person engaging in prostitution was a victim of human trafficking, as defined in 45-5-701, or was subjected to force, fraud, or coercion, either of which caused the person to be in the situation where the offense occurred, and the offender was 18 years of age or older at the time of the offense and the offender knew or reasonably should have known that the person was a victim of human trafficking or was subjected to force, fraud, or coercion;

~~(xi)~~(xii) 45-5-625(4), sexual abuse of children;

(xiii) 45-5-702, 45-5-703, 45-5-704, or 45-5-705, trafficking of persons, involuntary servitude, sexual servitude, or patronizing a victim of sexual servitude;

~~(xii)~~(xiv) 45-9-101(4), criminal possession with intent to distribute a dangerous drug; and

~~(xiii)~~(xv) 45-9-109, criminal possession with intent to distribute dangerous drugs on or near school property.

(2) Whenever, upon a verdict of guilty or a plea of guilty or nolo contendere, an offender has been found guilty of an offense for which a misdemeanor penalty of a fine could be imposed, the sentencing judge may impose a fine only in accordance with subsection (3).

(3) The sentencing judge may not sentence an offender to pay a fine unless the offender is or will be able to pay the fine. In determining the amount and method of payment, the sentencing judge shall take into account the nature of the crime committed, the financial resources of the offender, and the nature of the burden that payment of the fine will impose.

(4) Any fine levied under this section in a felony case shall be in an amount fixed by the sentencing judge not to exceed $50,000.""

Insert: "Section 14. Section 46-23-502, MCA, is amended to read:

"46-23-502. Definitions. As used in 46-18-255 and this part, the following definitions apply:

(1) "Department" means the department of corrections provided for in 2-15-2301.

(2) "Mental abnormality" means a congenital or acquired condition that affects the mental, emotional, or volitional capacity of a person in a manner that predisposes the person to the commission of one or more sexual offenses to a degree that makes the person a menace to the

health and safety of other persons.

(3) "Municipality" means an entity that has incorporated as a city or town.

(4) "Personality disorder" means a personality disorder as defined in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders adopted by the American psychiatric association.

(5) "Predatory sexual offense" means a sexual offense committed against a stranger or against a person with whom a relationship has been established or furthered for the primary purpose of victimization.

(6) "Registration agency" means:

(a) if the offender resides in a municipality, the police department of that municipality; or

(b) if the offender resides in a place other than a municipality, the sheriff's office of the county in which the offender resides.

(7) (a) "Residence" means the location at which a person regularly resides, regardless of the number of days or nights spent at that location, that can be located by a street address, including a house, apartment building, motel, hotel, or recreational or other vehicle.

(b) The term does not mean a homeless shelter.

(8) "Sexual offender evaluator" means a person qualified under rules established by the department to conduct psychosexual evaluations of sexual offenders and sexually violent predators.

(9) "Sexual offense" means:

(a) any violation of or attempt, solicitation, or conspiracy to commit a violation of 45-5-301 (if the victim is less than 18 years of age and the offender is not a parent of the victim), 45-5-302 (if the victim is less than 18 years of age and the offender is not a parent of the victim), 45-5-303 (if the victim is less than 18 years of age and the offender is not a parent of the victim), 45-5-502 (if the offender is a professional licensed under Title 37 and commits the offense during any treatment, consultation, interview, or evaluation of a person's physical or mental condition, ailment, disease, or injury), 45-5-502(3) (if the victim is less than 16 years of age and the offender is 3 or more years older than the victim), 45-5-503(1), (3), or (4), 45-5-504(2)(c), 45-5-504(3) (if the victim is less than 16 years of age and the offender is 4 or more years older than the victim), 45-5-507 (if the victim is less than 18 years of age and the offender is 3 or more years older than the victim or if the victim is 12 years of age or younger and the offender is 18 years of age or older at the time of the offense), 45-5-508, 45-5-601(3), 45-5-602(3), 45-5-603(1)(b) or (2)(b) <u>or (2)(c)</u>, 45-5-625, 45-5-704, or 45-5-705; or

(b) any violation of a law of another state, a tribal government, or the federal government that is reasonably equivalent to a violation listed in subsection (9)(a) or for which the offender was required to register as a sexual offender after an adjudication or conviction.

(10) "Sexual or violent offender" means a person who has been convicted of or, in youth court, found to have committed or been adjudicated for a sexual or violent offense.

(11) "Sexually violent predator" means a person who:

(a) has been convicted of or, in youth court, found to have committed or been adjudicated for a sexual offense and who suffers from a mental abnormality or a personality disorder that makes the person likely to engage in predatory sexual offenses; or

(b) has been convicted of a sexual offense against a victim 12 years of age or younger and the offender is 18 years of age or older.

(12) "Transient" means an offender who has no residence.

(13) "Violent offense" means:

(a) any violation of or attempt, solicitation, or conspiracy to commit a violation of 45-5-102, 45-5-103, 45-5-202, 45-5-206 (third or subsequent offense), 45-5-210(1)(b), (1)(c), or (1)(d), 45-5-212, 45-5-213, 45-5-215, 45-5-302 (if the victim is not a minor), 45-5-303 (if the victim is not a minor), 45-5-401, 45-6-103, or 45-9-132; or

(b) any violation of a law of another state, a tribal government, or the federal government reasonably equivalent to a violation listed in subsection (13)(a)""

Insert: "NEW SECTION. **Section 15. Effective date.** [This act] is effective on passage and approval."

Insert: "NEW SECTION. **Section 16. Applicability.** [This act] applies to offenses committed on or after [the effective date of this act]."

And, as amended, do pass.

SB 184, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 8.
Strike: "MODIFYING" on line 6 through "COURT;" on page 8

2. Page 3, line 15.
Strike: "11"
Insert: "14"

3. Page 3, line 19.
Strike: "11"
Insert: "14"

And, as amended, do pass.

SB 203, do pass.
SB 229, do pass.
HB 145, be concurred in.
HB 228, be concurred in.

TAXATION (Webb, Chair): 2/15/2019
SB 18, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.
Strike: "PROVIDING" on line 7 through "BONDS;" on line 8
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 1, line 12 through line 13.
Strike: "Except as" on line 12 through "against the" on line 13
Insert: "Commencing with tax years beginning on or after January 1, 2020, a taxpayer owning an interest in a qualified project issued an eligibility statement by the board of housing may

claim a credit against"
Following: "and this chapter" on line 13
Insert: "."

3. Page 1, line 14 through line 15.
Strike: line 14 through line 15

4. Page 1, line 18.
Following: "owners,"
Insert: "members,"

5. Page 1, line 19.
Following: "owner,"
Insert: "member,"

6. Page 1, line 20 through line 21.
Strike: "and the allocation" on line 20 through "partners" on line 21
Insert: "for each year of the credit period"

7. Page 1, line 22 through line 27.
Strike: subsections (3) and (4) in their entirety
Insert: "(3) The credit is approved for a period of 6 tax years beginning with the tax year in which a qualified project is placed in service.

(4) The total amount of credits allocated by the board of housing to qualified projects for any allocation year may not exceed the amount of federal low-income housing tax credits that may be allocated by the board of housing for that year, plus the total amount of all unallocated credits from previous calendar years and the total amount of all previously allocated credits that have been revoked or otherwise recovered by the board of housing."

8. Page 1, line 28.
Following: "liability"
Insert: "for the year"

9. Page 2, line 1.
Following: "credit"
Insert: "must own an interest, direct or indirect (through one or more pass-through entities), in the qualified project at any time prior to filing a tax return claiming the credit and"
Following: "submit"
Insert: "a copy of"
Following: "return"
Insert: "claiming the credit"

10. Page 2, line 8.
Following: "project"
Insert: "a combined amount of"

Strike: "matching"

11. Page 2, line 9 through line 14.
Following: "credits that" on line 9
Strike: "are"
Insert: "is"
Strike: "Before approving" on line 9 through "project." on line 14

12. Page 2, line 15.
Strike: "A"
Insert: "Notwithstanding any other provision in this section, a"

13. Page 2, line 19.
Following: line 18
Insert: "(a) “Allocation year” means the year for which the board of housing reserves tax credits pursuant to this section."
Renumber: subsequent subsections

14. Page 2, line 25 through line 26.
Strike: "There" on line 25 through "chapter for" on line 26
Insert: "Commencing with tax years beginning on or after January 1, 2020,"

15. Page 2, line 27.
Following: "housing"
Insert: "may claim a credit against the taxes imposed under this chapter."

16. Page 2, line 30 through page 3, line 1.
Strike: "There is" on page 2, line 30 through "33-2-709 for" on page 3, line 1
Insert: "Commencing with tax years beginning on or after January 1, 2020,"

17. Page 3, line 2.
Following: "housing"
Insert: "may claim a credit against taxes due under 33-2-705 and 33-2-709"

18. Page 3, line 8.
Strike: "There is a credit for"
Insert: "Commencing with tax years beginning on or after January 1, 2020, a taxpayer owning an interest in a qualified project, as defined in [section 1], that is issued an eligibility statement by the board of housing may claim a credit against"

19. Page 3, line 9 through line 10.
Strike: "for a taxpayer" on line 9 through "housing" on line 10

20. Page 3, line 23.
Strike: "2021"

Insert: "2019"

21. Page 3, line 24.
Insert: "NEW SECTION. **Section 7. Termination.** [This act] terminates December 31, 2024."

And, as amended, do pass.

SB 207, do pass.
HB 213, be amended as follows:

1. Page 3, line 29.
Strike: "subsections"
Insert: "subsection"
Strike: "and (6)(d)"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Conference Committee Report No.1 adopted: 2/14/2019

SJ 1, introduced by F. Thomas

House bills passed and transmitted to the Senate for concurrence: 2/14/2019

HB 34, introduced by J. Keane
HB 212, introduced by L. Jones
HB 219, introduced by S. Morigeau
HB 221, introduced by F. Anderson
HB 226, introduced by B. Tschida
HB 232, introduced by B. Mercer
HB 236, introduced by D. Fern
HB 292, introduced by B. Usher
HB 310, introduced by D. Hayman
HB 323, introduced by B. Tschida
HB 331, introduced by R. Fitzgerald

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 266, introduced by M. Blasdel, D. Ankney, E. Buttrey, S. Fitzpatrick, W. Galt, J. Hamilton, G. Hertz, R. Lynch, B. Mercer, F. Moore, M. Noland, S. Sales, C. Schreiner, J. Sesso, C. Smith, F. Thomas, referred to Taxation.
SB 267, introduced by D. Sands, M. MacDonald, J. Pomnichowski, referred to Public Health, Welfare and Safety.
SB 268, introduced by K. Bogner, W. Galt, referred to Highways and Transportation.
SB 269, introduced by M. MacDonald, referred to Business, Labor, and Economic Affairs.
SB 270, introduced by M. McNally, B. Bennett, J. Gross, S. Malek, E. McClafferty, N. McConnell, A. Olszewski, M. Phillips, J. Pomnichowski, D. Sands, J. Sesso, F. Smith, G. Vuckovich, S. Webber, J. Welborn, referred to Business, Labor, and Economic Affairs.
SB 271, introduced by M. Lang, referred to Agriculture, Livestock and Irrigation.

The following Senate bill was introduced and read first time:

SB 272, introduced by S. Hinebauch, K. Bogner, C. Knudsen, R. Knudsen, J. Krautter, M. Lang, R. Peppers, B. Smith, F. Smith.

The following House bills were introduced, read first time, and referred to committees:

HB 34, introduced by J. Keane (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.
HB 212, introduced by L. Jones, D. Bedey, K. Bogner, B. Grubbs, B. Hamlett, D. Salomon, referred to Education and Cultural Resources.
HB 219, introduced by S. Morigeau, J. Bachmeier, J. Bahr, B. Bessette, R. Peppers, T. Runningwolf, C. Schreiner, B. Smith, F. Smith, S. Stewart Peregoy, M. Weatherwax, S. Webber, J. Windy Boy, Curdy, Dunwell, Farris-Olsen, Kerr-Carpenter, Olsen, Perry, and Pope, Bennett and Gross, Small, referred to State Administration.
HB 221, introduced by F. Anderson, B. Brown, W. Curdy, J. Dooling, B. Hamlett, L. Jones, C. Knudsen, D. Lenz, D. Loge, W. McKamey, W. Sales, referred to Agriculture, Livestock and Irrigation.
HB 226, introduced by B. Tschida, D. Bartel, B. Beard, S. Berglee, M. Blasdel, B. Brown, D. Brown, G. DeVries, D. Dunn, N. Duram, J. Ellsworth, J. Fuller, L. Galloway, W. Galt, R. Garcia, F. Garner, C. Glimm, S. Gunderson, G. Hertz, S. Hinebauch, J. Kassmier, B. Keenan, M. Lang, D. Loge, F. Mandeville, T. Manzella, D. Mortensen, A. Olszewski, J. Read, A. Redfield, K. Regier, V. Ricci, T. Richmond, S. Sales, D. Salomon, D. Skees, C. Smith, F. Thomas, S. Vinton, K. White, D. Zolnikov, referred to Taxation.
HB 232, introduced by B. Mercer, referred to Taxation.
HB 236, introduced by D. Fern, referred to Local Government.
HB 292, introduced by B. Usher, D. Ankney, N. Ballance, D. Bartel, B. Beard, M. Blasdel, K. Bogner, B. Brown, D. Brown, G. Custer, J. Dooling, J. Ellsworth, R. Fitzgerald, J. Fuller, F. Garner, T. Gauthier, B. Gillespie, C. Glimm, S. Hinebauch, K. Holmlund, B. Hoven, D. Howard, D. Kary, J. Kassmier, B. Keenan, C. Knudsen, R. Knudsen, J. Krautter, D. Lenz, F. Mandeville, B. Mercer, D. Mortensen, M. Noland, R. Osmundson, K. Regier, T. Richmond, D. Salomon, L. Sheldon-Galloway, J. Small, C. Smith, F. Thomas, G. Vance, P. Webb, J. Welborn, D. Zolnikov, referred to Taxation.
HB 310, introduced by D. Hayman, K. Abbott, K. Dudik, J. Ellis, J. Hamilton, J. Krotkov, W. Sales,

referred to State Administration.
HB 323, introduced by B. Tschida, W. Galt, C. Glimm, C. Knudsen, D. Skees, K. White, referred to Business, Labor, and Economic Affairs.
HB 331, introduced by R. Fitzgerald, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Salomon in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 191 - Senator Ankney moved **SB 191** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

SB 127 - Majority Leader Thomas moved consideration of **SB 127** be passed for the day. Without objection, so ordered.

SB 167 - Senator Gillespie moved **SB 167** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon,

Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

SB 205 - Senator Fitzpatrick moved **SB 205** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 72 - Senator Barrett moved **HB 72** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 84 - Senator Barrett moved **HB 84** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 88 - Senator Cohenour moved **HB 88** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 110 - Senator Osmundson moved **HB 110** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 136 - Senator Sands moved **HB 136** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.

Total 1

Absent or not voting: None.
Total 0

SR 6 - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 6**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

SR 7 - Senator Ankney moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 7**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas informed the members that the fiscal note for **SB 167**, showing no fiscal impact, has been distributed to each desk.

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Salomon moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 203**, reported out of committee this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 125**, reported out of committee this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 108 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Ellsworth, Hinebauch, Kary, Vance.
Total 4

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

SB 165 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

SB 168 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Ellsworth, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski,

Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Salomon, Smith C, Vance, Webb, Welborn.
Total 21

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 64 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 39

Nays: Barrett, Bennett, Boland, Ellis, Gross, Jacobson, McNally, Phillips, Pomnichowski, Sesso.
Total 10

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 66 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 67 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 71 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 74 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Webber.
Total 18

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 91 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Vance.
Total 1

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 107 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Vance.
Total 1

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 108 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Kary, Smith C, Vance.
Total 3

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

HB 159 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Vance.
Total 1

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned name be **ADDED** as sponsor to **SB 216**. Without objection, so ordered.

SB 216 (R. Webb, Chief Sponsor)
Representative Usher

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

ANNOUNCEMENTS

Majority Leader Thomas announced that **SB 127** has been reprinted and the bill would be rescheduled for the Committee of the Whole.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 9:00 a.m., Saturday, February 16, 2019, the thirty-third legislative day. Motion carried.

Senate adjourned at 1:53 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 16, 2019 — State Capitol

Senate convened at 9:00 a.m. President Sales presiding. Invocation by Senator Small. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present. Senators Blasdel, Flowers, and Vuckovich excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/16/2019
Correctly printed: **SB 167**, **SB 176**, **SB 177**, **SB 184**, **SB 191**, **SB 203**, **SB 205**, **SB 207**, **SB 223**, **SB 226**, **SB 229**, **SB 266**, **SB 267**, **SB 268**, **SB 269**, **SB 270**, **SB 271**, **SB 272**, **HB 51**, **HB 72**, **HB 84**, **HB 88**, **HB 110**, **HB 136**, **HB 145**, **HB 206**, **HB 228**.
Correctly engrossed: **SB 18**, **SB 50**, **SB 102**, **SB 125**, **SB 147**, **SB 213**.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Welborn, Chair): 2/15/2019
HB 45, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 2/15/2019
SB 53, introduced bill, be amended as follows:

1. Page 1, line 28.
Strike: "75%"
Insert: "60%"

And, as amended, do pass..

SB 162, introduced bill, be amended as follows:

1. Page 3, line 1.
Strike: "Tabulation"
Insert: "Automatic tabulation using a vote-counting machine"
Following: "day."
Insert: "Tabulation using a manual count may not begin until election day."

2. Page 3, line 5.
Following: line 5
Insert: "(d) Access to an electronic system containing early tabulation results is limited to the election administrator and the election administrator's designee. Results may not be released except as provided in [section 9]."

3. Page 5, line 13.
Following: "board"
Insert: "and observers"

4. Page 6, line 26.
Following: "**tally.**"
Insert: "(1)"

5. Page 6, line 28.
Following: line 27
Insert: "(2) (a) A person who knowingly makes public the results of a vote tally from a precinct before 8 p.m. on the date of the election shall be imprisoned in the state prison for a term not to exceed 2 years or be fined an amount not less than $100,000 and not more than $500,000, or both.

(b) For the purposes of this section "knowingly" has the meaning specified in 45-2-101."

And, as amended, do pass.

SB 231, do pass.
SB 232, introduced bill, be amended as follows:

1. Page 1, line 26.
Following: "chapter."
Insert: "If a county pays for the use of a building as a temporary polling place because of an unforeseen or temporary circumstance, within 1 week following the election, the county shall provide the secretary of state with a report detailing the costs incurred."

And, as amended, do pass.

SR 12, be adopted.
SR 30, be adopted.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/15/2019

HB 173, introduced by S. Morigeau
HB 267, introduced by D. Zolnikov
HB 284, introduced by C. Glimm

HB 302, introduced by G. DeVries, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

2/15/2019

Yeas - 56
Nays - 43

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 32, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 33, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 173, introduced by S. Morigeau, K. Abbott, B. Bennett, L. Bishop, K. Bogner, M. Caferro, W. Galt, F. Garner, T. Jacobson, R. Lynch, D. Sands, C. Schreiner, D. Skees, J. Small, J. Welborn, referred to Judiciary.
HB 267, introduced by D. Zolnikov, E. Buttrey, K. Dudik, B. Grubbs, W. McKamey, R. Peppers, R. Shaw, B. Smith, T. Woods, referred to Energy and Telecommunications.
HB 284, introduced by C. Glimm, N. Ballance, D. Bartel, B. Beard, D. Bedey, M. Blasdel, B. Brown, T. Burnett, G. DeVries, A. Doane, J. Dooling, D. Dunn, N. Duram, J. Fuller, W. Galt, F. Garner, S. Greef, G. Hertz, S. Hinebauch, K. Holmlund, D. Howard, D. Kary, J. Kassmier, R. Knudsen, M. Lang, D. Lenz, D. Loge, F. Mandeville, T. Manzella, W. McKamey, D. Mortensen, M. Noland, A. Olszewski, J. Read, A. Redfield, K. Regier, M. Regier, V. Ricci, T. Richmond, R. Shaw, L. Sheldon-Galloway, D. Skees, C. Smith, B. Tschida, B. Usher, S. Vinton, P. Webb, referred to Judiciary.
HB 302, introduced by G. DeVries, B. Beard, B. Brown, T. Burnett, A. Doane, D. Dunn, N. Duram, J. Fuller, R. Garcia, C. Glimm, S. Greef, C. Knudsen, R. Knudsen, T. Manzella, M. Noland, J. Read, A. Redfield, D. Skees, P. Webb, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hoven in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 127 - Senator Cohenour moved **SB 127** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan,

Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Webb, Webber, Welborn.
Total 44

Nays: Esp, Gross, Tempel.
Total 3

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 35 - Senator Thomas moved **SB 35** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Webb, Webber, Welborn.
Total 43

Nays: Keenan, Lang, Mr President, Tempel.
Total 4

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 130 - Senator Salomon moved **SB 130** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 46

Nays: Brown.
Total 1

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 40 - Senator F. Smith moved **SB 40** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Webber, Welborn.
Total 42

Nays: Brown, Fielder, Mr President, Vance, Webb.
Total 5

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 197 - Senator Welborn moved **SB 197** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 72 - Senator Sesso moved **SB 72** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 116 - Senator Salomon moved **SB 116** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 123 - Senator Hinebauch moved **HB 123** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 124 - Senator Lang moved **HB 124** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 200 - Senator Cohenour moved **HB 200** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski,

Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber.
Total 45

Nays: Cuffe, Welborn.
Total 2

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 201 - Majority Leader Thomas moved consideration of **HB 201** be passed for the day. Without objection, so ordered.

SB 174 - Senator Kary moved **SB 174** do pass.

SB 174 - Senator Kary moved **SB 174**, second reading copy, be amended as follows:

1. Page 5, line 10.
Following: "department;"
Strike: "or"

2. Page 5, line 12.
Following: "years"
Insert: ";
(iii) may not hunt with a crossbow that shoots an arrow at a velocity exceeding 400 feet per second; or
(iv) may hunt only with a crossbow that uses an iron sight or a scope with a magnification power of no more than three times"

Amendment **adopted** as follows:

Yeas: Ankney, Bogner, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Kary, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb, Welborn.
Total 24

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Gillespie, Gross, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Webber.
Total 23

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 174 - Senator Ellsworth moved **SB 174**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Strike: "OR OVER AGE 70"

2. Page 1, line 16.
Strike: "and persons over 70 years of age"

3. Page 5, line 3 through line 4.
Strike: ":" on line 3 through "(i)" on line 4

4. Page 5, line 6 through line 7.
Strike: "; or" on line 6 through "older" on line 7

Amendment **failed** as follows:

Yeas: Bogner, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Kary, Lang, McConnell, Mr President, Olszewski, Osmundson, Richmond, Small, Smith C, Thomas, Vance.
Total 19

Nays: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Gillespie, Gross, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Smith F, Tempel, Webb, Webber, Welborn.
Total 28

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 174 - As amended, **SB 174 failed** as follows:

Yeas: Blasdel, Cuffe, Ellsworth, Hinebauch, Hoven, Howard, Kary, Osmundson, Regier, Smith C, Thomas, Vance, Webb.

Total 13

Nays: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 37

Paired: Blasdel, Howard, Osmundson, Aye; Flowers, McConnell, Vuckovich, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 174 - Majority Leader Thomas moved **SB 174** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vance, Webber, Welborn.
Total 44

Nays: Smith C, Thomas, Webb.
Total 3

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Hoven moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary,

Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 167 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 191 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary,

Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

SB 205 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 72 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 84 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 88 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 110 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 136 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

HB 175 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Blasdel, Flowers, Vuckovich.
Total 3

Absent or not voting: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced and read first time:

SB 273, introduced by D. Sands, G. Vance.
SB 274, introduced by A. Olszewski.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, February 18, 2019, the thirty-fourth legislative day. Motion carried.

Senate adjourned at 10:44 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 18, 2019 — State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Lang. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/18/2019
Correctly printed: **SB 35**, **SB 40**, **SB 72**, **SB 116**, **SB 127**, **SB 130**, **SB 197**, **SB 231**, **SB 273**, **SB 274**, **SR 12**, **SR 30**, **SR 32**, **SR 33**, **HB 45**, **HB 123**, **HB 124**, **HB 200**.
Correctly engrossed: **SB 53**, **SB 162**, **SB 184**, **SB 232**.
Correctly enrolled: **SR 6**, **SR 7**.
Transmitted to the House: **SB 108**, **SB 165**, **SB 167**, **SB 168**, **SB 191**, **SB 205**, **HB 64**, **HB 66**, **HB 67**, **HB 71**, **HB 72**, **HB 74**, **HB 84**, **HB 88**, **HB 91**, **HB 107**, **HB 108**, **HB 110**, **HB 136**, **HB 159**, **HB 175**.
Signed by the Speaker at 10:19 a.m., February 18, 2019: **SJ 1**.

MESSAGES FROM THE GOVERNOR

February 15, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the included list of board, council and commission appointments for confirmation.

I have included the appropriate statutes and appointees' resumes, biography or other qualification documentation for your consideration.

Stacey Otterstrom, my Boards and Appointments Advisor is available as these appointments move through the confirmation process. She can be reached at (406) 444-4405 or by email at sotterstrom@mt.gov.

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 275, introduced by A. Olszewski, F. Anderson, D. Ankney, D. Bartel, B. Beard, D. Bedey, S. Berglee, M. Blasdel, K. Bogner, C. Boland, B. Brown, D. Brown, Z. Brown, M. Caferro, J. Cohenour, M. Cuffe, G. Custer, G. DeVries, A. Doane, J. Dooling, K. Dudik, D. Dunn, M. Dunwell, N. Duram, J. Ellis, J. Ellsworth, J. Esp, J. Fielder, R. Fitzgerald, S. Fitzpatrick, F. Fleming, J. Fuller, M. Funk, W. Galt, R. Garcia, F. Garner, T. Gauthier, B. Gillespie, C. Glimm, S. Greef, J. Gross, S. Gunderson, B. Hamlett, S. Hinebauch, M. Hopkins, B. Hoven, D. Howard, J. Karjala, D. Kary, J. Kassmier, J. Keane, B. Keenan, K. Kelker, C. Knudsen, R. Knudsen, J. Krautter, M. Lang, D. Lenz, D. Loge, R. Lynch, M. MacDonald, S. Malek, T. Manzella, E. McClafferty, N. McConnell, W. McKamey, M. McNally, B. Mercer, F. Moore, T. Moore, D. Mortensen, M. Noland, J. Pomnichowski, J. Read, K. Regier, M. Regier, V. Ricci, T. Richmond, W. Sales, D. Salomon, D. Sands, J. Sesso, L. Sheldon-Galloway, D. Skees, J. Small, C. Smith, R. Tempel, F. Thomas, B. Tschida, B. Usher, S. Vinton, P. Webb, R. Webb, S. Webber, J. Welborn, T. Welch, K. White, D. Zolnikov, referred to State Administration.
SB 276, introduced by R. Webb, referred to Judiciary.
SB 277, introduced by R. Webb, referred to State Administration.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 12, introduced by M. Cuffe, N. Duram, S. Gunderson, referred to Judiciary.

The following Senate bill was introduced and read first time:

SB 278, introduced by T. Richmond, D. Ankney.

The following Senate bills, previously introduced, were referred to committees:

SB 272, introduced by S. Hinebauch, K. Bogner, C. Knudsen, R. Knudsen, J. Krautter, M. Lang, R. Peppers, B. Smith, F. Smith, referred to Business, Labor, and Economic Affairs.
SB 273, introduced by D. Sands, G. Vance, referred to Judiciary.
SB 274, introduced by A. Olszewski, referred to Public Health, Welfare and Safety.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jacobson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 78 - Senator McNally moved **SB 78** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved that **SB 184** be passed for the day and that **SB 176**, **SB 177**, and **SB 223** be moved to the bottom of the board. Without objection, so ordered.

SB 132 - Senator K. Regier moved **SB 132** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Barrett, Bennett, Ellis, Pomnichowski.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 139 - Senator Lang moved **SB 139** do pass.

SB 139 - Senator Lang moved **SB 139**, second reading copy, be amended as follows:

1. Page 2, line 4.
Following: "(e)"
Insert: "by September 15 of each even-numbered year,"

2. Page 2, line 5.
Strike: "each legislative session"
Insert: ", as provided in 5-11-210,"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 139 - As amended, **SB 139** passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McClafferty, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn.
Total 34

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McConnell, McNally, Pomnichowski, Sands, Sesso, Webber.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 93 - Senator Richmond moved **SB 93** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 50 - Senator Bogner moved **HB 50** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 51 - Senator Lang moved **HB 51** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 102 - Senator Olszewski moved **HB 102** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 163 - Senator Malek moved **HB 163** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 196 - Senator Gauthier moved **HB 196** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 206 - Senator Blasdel moved **HB 206** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally,

Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 43 - Senator Fielder moved **HB 43** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: McConnell, Pomnichowski.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 143 - Senator Cohenour moved **HB 143** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 201 - Senator Tempel moved **HB 201** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Sales assumed the chair.

SB 176 - Senator Jacobson moved **SB 176** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 177 - Senator Jacobson moved **SB 177** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Ellsworth, Howard, Kary.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 223 - Senator Jacobson moved **SB 223** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Jacobson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 93**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 35 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Keenan, Lang, Mr President, Tempel.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 40 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 44

Nays: Bogner, Brown, Fielder, Lang, Mr President, Vance.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 72 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 116 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webber, Welborn.
Total 43

Nays: Esp, Gross, Hoven, Keenan, Lang, Tempel, Webb.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 130 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Brown.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 197 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 123 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Keenan.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 124 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 200 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Cuffe.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the coming week:

Kate Bick from Bozeman, sponsored by Senator McNally
Daniel Brennon from Great Falls, sponsored by Senator Fitzpatrick
Ethan Foss from Hamilton, sponsored by Senator Ellsworth
Tyler Glenn from Hamilton, sponsored by Senator Thomas
Aaliyah Green from Billings, sponsored by Senator Richmond
Parker Klaske from Billings, sponsored by Senator Kary

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, February 19, 2019, the thirty-fifth legislative day. Motion carried.

Senate adjourned at 2:38 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 19, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Gillespie. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/19/2019
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the twenty-sixth through the thirtieth legislative days, find the same to be correct.

Correctly printed: **SB 78**, **SB 93**, **SB 132**, **SB 176**, **SB 177**, **SB 223**, **SB 275**, **SB 276**, **SB 277**, **SB 278**, **SJ 12**, **HB 43**, **HB 50**, **HB 51**, **HB 102**, **HB 143**, **HB 163**, **HB 196**, **HB 201**, **HB 206**.
Correctly engrossed: **SB 139**, **SB 155**, **SB 217**, **SJ 9**, **HB 55**.
Examined by the sponsor and found to be correct: **SR 6**, **SR 7**.
Transmitted to the House: **SB 35**, **SB 40**, **SB 72**, **SB 116**, **SB 127**, **SB 130**, **SB 197**, **HB 123**, **HB 124**, **HB 200**.
Delivered to the Secretary of State at 9:00 a.m., February 19, 2019: **SR 21**, **SR 22**, **SR 23**, **SR 25**.
Delivered to the Secretary of State at 9:05 a.m., February 19, 2019: **SJ 1**.

Sergeant-at-Arms Spencer escorted Katie Ross, Montana's representative in the Children's Miracle Network Hospitals' program, into the Senate chamber. President Sales read the following proclamation:

A PROCLAMATION OF THE MONTANA LEGISLATURE
COMMENDING AND RECOGNIZING
KATIE ROSS

KATIE ROSS, A 17-YEAR-OLD GARDINER GIRL,
HAS BEEN TREATED AT SHODAIR CHILDREN'S HOSPITAL. HER
ENTHUSIASM, DETERMINATION, AND SPIRIT HAVE SUSTAINED
HER AND HER FAMILY THROUGHOUT SIGNIFICANT HEALTH CHALLENGES
RESULTING FROM A RARE GENETIC CONDITION.

WHEREAS, Shodair Children's Hospital is Montana's Children's Miracle Network Hospital. The Children's Miracle Network Hospitals, the international alliance of premier children's hospitals in the United States and abroad, spotlights the heroic battles of children like Katie with varied illnesses and health challenges; and

WHEREAS, Katie Ross will represent Montana in the Children's Miracle Network Hospitals' program honoring remarkable children who have encountered severe medical conditions and

have endured to inspire others; and

WHEREAS, Katie has a rare genetic condition, only experienced by less than 100 people worldwide, yet even rarer is her determination and indomitable spirit to live as an active and vibrant 17-year-old Montanan despite her health challenges;

WHEREAS, Katie has been selected for her courage, tenacity and perseverance as the sole representative of children's genetic conditions in the state of Montana, and an ambassador for the 18 million children treated each year at Children's Miracle Network Hospitals.

NOW THEREFORE BE IT RESOLVED by the 66th Montana Legislature that the members of this body honor Katie Ross for her spirit and inspiration in the face of significant medical challenges, and convey to her their sincere wishes for memorable experiences during her year as Montana's Champion.

Signed by: Scott Sales, President of the Senate
Greg Hertz, Speaker of the House

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/19/2019
SB 221, introduced bill, be amended as follows:

1. Page 1, line 15 through line 19.
Strike: subsection (1)(c) through subsection (1)(d) in their entirety
Renumber: subsequent subsections

2. Page 1, line 25 through line 26.
Strike: "animals" on line 25 through "tusks" on line 26
Insert: "elephants"

3. Page 2, line 7 through line 8.
Strike: "any animal" on line 7 through "mammoth" on line 8
Insert: "an elephant"

4. Page 3, line 14 through line 16.
Strike: subsection (b) in its entirety
Insert: "(b) ivory or rhinoceros horn that is part of a knife or firearm and is a fixed or integral part of the knife or firearm, that originated in the United States or was legally imported, and for which the owner can provide documentation that the knife or firearm was legally acquired;"

And, as amended, do pass.

SB 234, introduced bill, be amended as follows:

1. Page 1, line 24.
Following: "plan No. 3."
Insert: "The department shall elect a plan that insures all state agencies. If the department elects workers' compensation insurance coverage under compensation plan No. 2, the insurer must have an A financial strength rating from a major financial services entity."

2. Page 2, line 19.
Following: "plan No. 3."
Insert: "The department shall elect a plan that insures all state agencies. If the department elects workers' compensation insurance coverage under compensation plan No. 2, the insurer must have an A financial strength rating from a major financial services entity."

3. Page 7, line 11.
Strike: "1 and 2"
Insert: "2 and 3"

4. Page 7, line 13.
Strike: "1 and 2"
Insert: "2 and 3"

And, as amended, do pass.

HB 35, be amended as follows:

1. Page 6, line 16.
Following: line 15
Insert: "(c) If any new retail beer licenses are allowed by license transfers as provided in subsection (2)(a), the department may publish the availability of more than one new license a year until the quota has been reached."

2. Page 13, line 3.
Following: "(5)"
Insert: "(a)"

3. Page 13, line 8.
Following: line 7
Insert: "(b) If any new all-beverages licenses are allowed by license transfers as provided in subsection (4), the department may publish the availability of more than one new license a year until the quota has been reached."

4. Page 13, line 8.

Following: "SUBSECTION (5)"
Insert: "(a)"

5. Page 30, line 15.
Following: line 14
Insert: "(c) If any new restaurant beer and wine licenses are allowed by license transfers as provided in subsection (9)(a), the department may publish the availability of more than one new license a year until the quota has been reached."

And, as amended, be concurred in.

HB 65, be amended as follows:

1. Page 1, line 22.
Following: "whom any"
Insert: "legal"

2. Page 1, line 28.
Following: "must be made public in a"
Insert: "readily accessible"

3. Page 1, line 30.
Following: "(4) Service"
Strike: "of process"
Following: "by"
Insert: "certified"
Following: "an insurer"
Strike: "is valid"
Insert: "constitutes"
Following: "service"
Insert: "of legal process"

4. Page 2, line 6.
Strike: "of process"

5. Page 2, line 7.
Following: "by"
Insert: "certified"
Following: "such agent"
Strike: "is valid"
Insert: "constitutes"
Following: "service"
Insert: "of legal process"
Following: "upon the"

Strike: "company"
Insert: "insurer"

6. Page 2, line 13.
Following: line 12
Insert: "(9) When legal process is served pursuant to this section, the insurer must appear, answer, or plead within 30 days, exclusive of the date of mailing, after the date of the certified mailing or be subject to the laws of this state regarding default judgment.
(10) For the purposes of this section:
(a) "certified mail" means a method of sending by common carrier with tracking capability; and
(b) "legal process" means a summons and complaint."

7. Page 2, line 18.
Following: "desiring to serve"
Insert: "legal"

8. Page 2, line 24.
Following: "the commissioner shall"
Insert: "promptly"
Following: "serve"
Insert: "the legal"

9. Page 2, line 25.
Following: "or demand by"
Strike: "regular"
Insert: "certified"

10. Page 2, line 26.
Following: "Service"
Insert: "by the commissioner"

11. Page 2, line 26 through line 27.
Following: "upon the insurer" on line 26
Strike: "is deemed" on line 26 through "demand" on line 27
Insert: "by certified mail constitutes service of legal process on that insurer"

12. Page 2, line 28.
Strike: "completes"
Insert: "serves"

13. Page 2, line 29.
Following: line 29
Insert: "(3) When legal process is served pursuant to this section, the insurer must appear, answer, or plead within 30 days, exclusive of the date of mailing, after the date of the

certified mailing or be subject to the laws of this state regarding default judgment.

(4) For purposes of this section:

(a) "certified mail" means a method of sending by common carrier with tracking capability; and

(b) "legal process" means a summons and complaint."

And, as amended, be concurred in.

HB 92, be concurred in.

JUDICIARY (Regier, Chair): 2/19/2019

SB 155, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "SECTIONS"
Insert: "39-51-2111, 40-4-219, 40-15-116, 41-3-102, 42-2-608,"
Strike: "45-5-507, AND"
Following: "45-5-625,"
Insert: "45-8-221, 46-1-502, 46-4-307, 46-18-219, 46-18-231, 46-18-1001, AND 52-3-803,"

2. Page 1, line 8.
Following: line 8
Insert: "Section 1. Section 39-51-2111, MCA, is amended to read:

"39-51-2111. Unemployment benefits for victims of domestic violence, sexual assault, or stalking. (1) (a) An individual who is otherwise eligible for benefits may not be denied benefits because the individual left work or was discharged because of circumstances resulting from the individual or a child of the individual being a victim of domestic violence, a sexual assault, or stalking or the individual left work or was discharged because of an attempt on the individual's part to protect the individual or the individual's child from domestic abuse, a sexual assault, or stalking.

(b) The account of an employer with an experience rating as provided in 39-51-1213 may not be charged for the payment of benefits to an individual who left work or was discharged because of circumstances resulting from domestic violence, a sexual assault, or stalking as provided for in subsection (1)(a).

(c) An individual may not receive more than 28 weeks of unemployment benefits for the 12-month period after filing a claim under the provisions of this section. The provisions of this section do not affect the rights of an individual to receive unemployment insurance benefits that the individual is entitled to under other provisions of state law.

(2) For the purposes of subsection (1), an individual must be treated as being a victim of domestic violence, a sexual assault, or stalking if the individual provides one or more of the following:

(a) an order of protection or other documentation of equitable relief issued by a court of competent jurisdiction;

(b) a police record documenting the domestic violence, sexual assault, or stalking;

(c) medical documentation of domestic violence or a sexual assault; or

(d) other documentation or certification of domestic violence, a sexual assault, or stalking provided by a social worker, clergy member, shelter worker, or professional person, as defined in 53-21-102, who has assisted the individual in dealing with domestic violence, a sexual assault, or stalking.

(3) An individual who is otherwise eligible for benefits under this section becomes ineligible if the individual remains in or returns to the abusive situation that caused the individual to leave work or be discharged.

(4) The department shall provide a report to the legislature, as provided in 5-11-210, regarding the benefits applied for and granted under this section, including a summary of the demographics of applicants for and recipients of the benefits and the average and total cost of benefits provided.

(5) For the purposes of this section:

(a) "domestic violence" means the physical, mental, or emotional abuse of an individual or the individual's child by a person with whom that individual or the individual's child lives or has recently lived;

(b) "sexual assault" means sexual assault as described in 45-5-502, sexual intercourse without consent as described in 45-5-503, incest as described in 45-5-507, or sexual abuse of children <u>and child pornography</u> as described in 45-5-625; and

(c) "stalking" has the meaning provided in 45-5-220.""

Insert: "Section 2. Section 40-4-219, MCA, is amended to read:

"40-4-219. Amendment of parenting plan -- mediation. (1) The court may in its discretion amend a prior parenting plan if it finds, upon the basis of facts that have arisen since the prior plan or that were unknown to the court at the time of entry of the prior plan, that a change has occurred in the circumstances of the child and that the amendment is necessary to serve the best interest of the child. In determining the child's best interest under this section, the court may, in addition to the criteria in 40-4-212, also consider whether:

(a) the parents agree to the amendment;

(b) the child has been integrated into the family of the petitioner with consent of the parents;

(c) the child is 14 years of age or older and desires the amendment;

(d) one parent has willfully and consistently:

(i) refused to allow the child to have any contact with the other parent; or

(ii) attempted to frustrate or deny contact with the child by the other parent; or

(e) one parent has changed or intends to change the child's residence in a manner that significantly affects the child's contact with the other parent.

(2) A court may modify a de facto parenting arrangement in accordance with the factors set forth in 40-4-212.

(3) The court shall presume a parent is not acting in the child's best interest if the parent does any of the acts specified in subsection (1)(d) or (8).

(4) The court may amend the prior parenting plan based on subsection (1)(e) to provide a new residential schedule for parental contact with the child and to apportion transportation costs between the parents.

(5) Attorney fees and costs must be assessed against a party seeking frivolous or repeated amendment if the court finds that the amendment action is vexatious and constitutes harassment.

(6) A parenting plan may be amended pursuant to 40-4-221 upon the death of one parent.

(7) As used in this section, "prior parenting plan" means a parenting determination contained in a judicial decree or order made in a parenting proceeding. In proceedings for amendment under this section, a proposed amended parenting plan must be filed and served with the motion for amendment and with the response to the motion for amendment. Preference must be given to carrying out the parenting plan.

(8) (a) If a parent or other person residing in that parent's household has been convicted of any of the crimes listed in subsection (8)(b), the other parent or any other person who has been granted rights to the child pursuant to court order may file an objection to the current parenting order with the court. The parent or other person having rights to the child pursuant to court order shall give notice to the other parent of the objection as provided by the Montana Rules of Civil Procedure, and the other parent has 21 days from the notice to respond. If the parent who receives notice of objection fails to respond within 21 days, the parenting rights of that parent are suspended until further order of the court. If that parent responds and objects, a hearing must be held within 30 days of the response.

(b) This subsection (8) applies to the following crimes:

(i) deliberate homicide, as described in 45-5-102;

(ii) mitigated deliberate homicide, as described in 45-5-103;

(iii) sexual assault, as described in 45-5-502;

(iv) sexual intercourse without consent, as described in 45-5-503;

(v) deviate sexual conduct with an animal, as described in 45-2-101 and prohibited under 45-8-218;

(vi) incest, as described in 45-5-507;

(vii) aggravated promotion of prostitution of a child, as described in 45-5-603(1)(b);

(viii) endangering the welfare of children, as described in 45-5-622;

(ix) partner or family member assault of the type described in 45-5-206(1)(a);

(x) sexual abuse of children <u>and child pornography</u>, as described in 45-5-625; and

(xi) strangulation of a partner or family member, as described in 45-5-215.

(9) Except in cases of physical, sexual, or emotional abuse or threat of physical, sexual, or emotional abuse by one parent against the other parent or the child or when a parent has been convicted of a crime enumerated in subsection (8)(b), the court may, in its discretion, order the parties to participate in a dispute resolution process to assist in resolving any conflicts between the parties regarding amendment of the parenting plan. The dispute resolution process may include counseling or mediation by a specified person or agency, and court action.

(10) (a) Except as provided in subsection (10)(b), a court-ordered or de facto modification of a parenting plan based in whole or in part on military service orders of a parent is temporary and reverts to the previous parenting plan at the end of the military service. If a motion for an amendment of a parenting plan is filed after a parent returns from military service, the court may not consider a parent's absence due to that military service in its determination of the best interest of the child.

(b) A parent who has performed or is performing military service, as defined in 10-1-1003, may consent to a temporary or permanent modification of a parenting plan:

(i) for the duration of the military service; or

(ii) that continues past the end of the military service.""

Insert: "Section 3. Section 40-15-116, MCA, is amended to read:

"40-15-116. Definitions. As used in 40-15-115 through 40-15-121, the following definitions apply:

(1) "Applicant" means a victim and includes a parent or guardian who acts on behalf of a victim.

(2) "Department" means the department of justice.

(3) "Participant" means an applicant who has submitted an application pursuant to 40-15-117 that has been approved by the department.

(4) "Partner or family member assault" has the meaning provided in 45-5-206.

(5) "Sexual assault" means sexual assault as defined in 45-5-502, sexual intercourse without consent as defined in 45-5-503, incest as defined in 45-5-507, or sexual abuse of children and child pornography as defined in 45-5-625.

(6) "Stalking" has the meaning provided in 45-5-220.

(7) "Victim" means an individual who has been a victim of partner or family member assault, sexual assault, or stalking or who is otherwise eligible to file a petition for an order of protection under 40-15-102.""

Insert: "Section 4. Section 41-3-102, MCA, is amended to read:

"41-3-102. Definitions. As used in this chapter, the following definitions apply:

(1) (a) "Abandon", "abandoned", and "abandonment" mean:

(i) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future;

(ii) willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child;

(iii) that the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed; or

(iv) the voluntary surrender, as defined in 40-6-402, by a parent of a newborn who is no more than 30 days old to an emergency services provider, as defined in 40-6-402.

(b) The terms do not include the voluntary surrender of a child to the department solely because of parental inability to access publicly funded services.

(2) "A person responsible for a child's welfare" means:

(a) the child's parent, guardian, or foster parent or an adult who resides in the same home in which the child resides;

(b) a person providing care in a day-care facility;

(c) an employee of a public or private residential institution, facility, home, or agency; or

(d) any other person responsible for the child's welfare in a residential setting.

(3) "Abused or neglected" means the state or condition of a child who has suffered child abuse or neglect.

(4) (a) "Adequate health care" means any medical care or nonmedical remedial health care recognized by an insurer licensed to provide disability insurance under Title 33, including the prevention of the withholding of medically indicated treatment or medically indicated psychological care permitted or authorized under state law.

(b) This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, because of religious beliefs, does not provide adequate health care for a child. However, this chapter may not be construed to limit the administrative or judicial authority of the state to ensure that medical care is provided to

the child when there is imminent substantial risk of serious harm to the child.

(5) "Best interests of the child" means the physical, mental, and psychological conditions and needs of the child and any other factor considered by the court to be relevant to the child.

(6) "Child" or "youth" means any person under 18 years of age.

(7) (a) "Child abuse or neglect" means:

(i) actual physical or psychological harm to a child;

(ii) substantial risk of physical or psychological harm to a child; or

(iii) abandonment.

(b) (i) The term includes:

(A) actual physical or psychological harm to a child or substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare; or

(B) exposing a child to the criminal distribution of dangerous drugs, as prohibited by 45-9-101, the criminal production or manufacture of dangerous drugs, as prohibited by 45-9-110, or the operation of an unlawful clandestine laboratory, as prohibited by 45-9-132.

(ii) For the purposes of this subsection (7), "dangerous drugs" means the compounds and substances described as dangerous drugs in Schedules I through IV in Title 50, chapter 32, part 2.

(c) In proceedings under this chapter in which the federal Indian Child Welfare Act is applicable, this term has the same meaning as "serious emotional or physical damage to the child" as used in 25 U.S.C. 1912(f).

(d) The term does not include self-defense, defense of others, or action taken to prevent the child from self-harm that does not constitute physical or psychological harm to a child.

(8) "Concurrent planning" means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.

(9) "Department" means the department of public health and human services provided for in 2-15-2201.

(10) "Family group decisionmaking meeting" means a meeting that involves family members in either developing treatment plans or making placement decisions, or both.

(11) "Indian child" means any unmarried person who is under 18 years of age and who is either:

(a) a member of an Indian tribe; or

(b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(12) "Indian child's tribe" means:

(a) the Indian tribe in which an Indian child is a member or eligible for membership; or

(b) in the case of an Indian child who is a member of or eligible for membership in more than one Indian tribe, the Indian tribe with which the Indian child has the more significant contacts.

(13) "Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control have been transferred by the child's parent.

(14) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized by:

(a) the state of Montana; or

(b) the United States secretary of the interior as being eligible for the services provided to Indians or because of the group's status as Indians, including any Alaskan native village as defined in federal law.

(15) "Limited emancipation" means a status conferred on a youth by a court in accordance with 41-1-503 under which the youth is entitled to exercise some but not all of the rights and responsibilities of a person who is 18 years of age or older.

(16) "Parent" means a biological or adoptive parent or stepparent.

(17) "Parent-child legal relationship" means the legal relationship that exists between a child and the child's birth or adoptive parents, as provided in Title 40, chapter 6, part 2, unless the relationship has been terminated by competent judicial decree as provided in 40-6-234, Title 42, or part 6 of this chapter.

(18) "Permanent placement" means reunification of the child with the child's parent, adoption, placement with a legal guardian, placement with a fit and willing relative, or placement in another planned permanent living arrangement until the child reaches 18 years of age.

(19) "Physical abuse" means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.

(20) "Physical neglect" means either failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions, or failure to provide cleanliness and general supervision, or both, or exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child.

(21) (a) "Physical or psychological harm to a child" means the harm that occurs whenever the parent or other person responsible for the child's welfare:

(i) inflicts or allows to be inflicted upon the child physical abuse, physical neglect, or psychological abuse or neglect;

(ii) commits or allows sexual abuse or exploitation of the child;

(iii) induces or attempts to induce a child to give untrue testimony that the child or another child was abused or neglected by a parent or other person responsible for the child's welfare;

(iv) causes malnutrition or a failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education, or adequate health care, though financially able to do so or offered financial or other reasonable means to do so;

(v) exposes or allows the child to be exposed to an unreasonable risk to the child's health or welfare by failing to intervene or eliminate the risk; or

(vi) abandons the child.

(b) The term does not include a youth not receiving supervision solely because of parental inability to control the youth's behavior.

(22) (a) "Protective services" means services provided by the department:

(i) to enable a child alleged to have been abused or neglected to remain safely in the home;

(ii) to enable a child alleged to have been abused or neglected who has been removed from the home to safely return to the home; or

(iii) to achieve permanency for a child adjudicated as a youth in need of care when

circumstances and the best interests of the child prevent reunification with parents or a return to the home.

(b) The term includes emergency protective services provided pursuant to 41-3-301, voluntary protective services provided pursuant to 41-3-302, and court-ordered protective services provided pursuant to parts 4 and 6 of this chapter.

(23) (a) "Psychological abuse or neglect" means severe maltreatment through acts or omissions that are injurious to the child's emotional, intellectual, or psychological capacity to function, including the commission of acts of violence against another person residing in the child's home.

(b) The term may not be construed to hold a victim responsible for failing to prevent the crime against the victim.

(24) "Qualified expert witness" as used in cases involving an Indian child in proceedings subject to the federal Indian Child Welfare Act means:

(a) a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child-rearing practices;

(b) a lay expert witness who has substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child-rearing practices within the Indian child's tribe; or

(c) a professional person who has substantial education and experience in providing services to children and families and who possesses significant knowledge of and experience with Indian culture, family structure, and child-rearing practices in general.

(25) "Reasonable cause to suspect" means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.

(26) "Residential setting" means an out-of-home placement where the child typically resides for longer than 30 days for the purpose of receiving food, shelter, security, guidance, and, if necessary, treatment.

(27) (a) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, indecent exposure, sexual abuse, ritual abuse of a minor, or incest, as described in Title 45, chapter 5.

(b) Sexual abuse does not include any necessary touching of an infant's or toddler's genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child's welfare.

(28) "Sexual exploitation" means allowing, permitting, or encouraging a child to engage in a prostitution offense, as described in 45-5-601 through 45-5-603, or allowing, permitting, or encouraging sexual abuse of children <u>and child pornography</u> as described in 45-5-625.

(29) (a) "Social worker" means an employee of the department who, before the employee's field assignment, has been educated or trained in a program of social work or a related field that includes cognitive and family systems treatment or who has equivalent verified experience or verified training in the investigation of child abuse, neglect, and endangerment.

(b) This definition does not apply to any provision of this code that is not in this chapter.

(30) "Treatment plan" means a written agreement between the department and the parent or guardian or a court order that includes action that must be taken to resolve the condition or conduct of the parent or guardian that resulted in the need for protective services for the child. The treatment plan may involve court services, the department, and other parties,

if necessary, for protective services.

(31) "Unfounded" means that after an investigation, the investigating person has determined that the reported abuse, neglect, or exploitation has not occurred.

(32) "Unsubstantiated" means that after an investigation, the investigator was unable to determine by a preponderance of the evidence that the reported abuse, neglect, or exploitation has occurred.

(33) (a) "Withholding of medically indicated treatment" means the failure to respond to an infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication, that, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the conditions.

(b) The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication, to an infant when, in the treating physician's or physicians' reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of treatment would:

(A) merely prolong dying;

(B) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

(C) otherwise be futile in terms of the survival of the infant; or

(iii) the provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane. For purposes of this subsection (33), "infant" means an infant less than 1 year of age or an infant 1 year of age or older who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability. The reference to less than 1 year of age may not be construed to imply that treatment should be changed or discontinued when an infant reaches 1 year of age or to affect or limit any existing protections available under state laws regarding medical neglect of children 1 year of age or older.

(34) "Youth in need of care" means a youth who has been adjudicated or determined, after a hearing, to be or to have been abused, neglected, or abandoned.""

Insert: "Section 5. Section 42-2-608, MCA, is amended to read:

"42-2-608. Finding of unfitness. (1) The court may terminate parental rights for purposes of making a child available for adoption on the grounds of unfitness if:

(a) the court makes a determination that the parent has been judicially deprived of custody of the child on account of abuse or neglect toward the child;

(b) the parent has willfully abandoned the child, as defined in 41-3-102, in Montana or in any other jurisdiction of the United States;

(c) it is proven to the satisfaction of the court that the parent, if able, has not contributed to the support of the child for an aggregate period of 1 year before the filing of a petition for adoption;

(d) it is proven to the satisfaction of the court that the parent is in violation of a court order to support either the child that is the subject of the adoption proceedings or other children with the same birth mother;

(e) the parent has been found guilty by a court of competent jurisdiction of:

(i) aggravated assault on the adoptee, as provided in 45-5-202;

(ii) sexual assault on a child, as provided in 45-5-502;

(iii) sexual intercourse without consent, as provided in 45-5-503, if the victim was a child;
(iv) incest, as provided in 45-5-507, if the victim was a child;
(v) homicide of a child, as provided in 45-5-102 or 45-5-103;
(vi) sexual abuse of a child and child pornography, as provided in 45-5-625; or
(vii) ritual abuse of a minor, as provided in 45-5-627;
(f) the child has been maintained by a public or private children's institution, a charitable agency, a licensed child-placing agency, or the department for a period of 1 year without the parent contributing to the support of the child during that period, if able;
(g) a finding is made for a parent who is given proper notice of hearing:
(i) that the parent has been convicted of a crime of violence or of violating a restraining or protective order; and
(ii) the facts of the crime or violation and the parent's behavior indicate that the parent is unfit to maintain a relationship of parent and child with the child;
(h) a finding is made for a parent who is given proper notice of hearing and is a respondent to the petition to terminate parental rights and:
(i) by a preponderance of the evidence, it is found that termination is in the best interests of the child; and
(ii) upon clear and convincing evidence, it is found that one of the following grounds exists:
(A) if the child is not in the legal and physical custody of the other parent, that the respondent is not able or willing to promptly assume legal and physical custody of the child and to pay for the child's support in accordance with the respondent's financial means;
(B) if the child is in the legal and physical custody of the other parent and a stepparent who is the prospective adoptive parent, that the respondent is not able or willing to promptly establish and maintain contact with the child and to pay for the child's support in accordance with the respondent's financial means;
(C) placing the child in the respondent's legal and physical custody would pose a risk of substantial harm to the physical or psychological well-being of the child because the circumstances of the child's conception, the respondent's behavior during the mother's pregnancy or since the child's birth, or the respondent's behavior with respect to other children indicates that the respondent is unfit to maintain a relationship of parent and child with the child; or
(D) failure to terminate the relationship of parent and child would be detrimental to the child.
(2) In making a determination under subsection (1)(h)(ii)(D), the court shall consider any relevant factor, including the respondent's efforts to obtain or maintain legal and physical custody of the child, the role of other persons in thwarting the respondent's efforts to assert parental rights, the respondent's ability to care for the child, the age of the child, the quality of any previous relationship between the respondent and the child and between the respondent and any other children, the duration and suitability of the child's present custodial environment, and the effect of a change of physical custody on the child.""
Renumber: subsequent sections

3. Page 2, line 7.
Following: "years."

Strike: "The"

Insert: "For a first offense, the court may not suspend execution or defer imposition of the first 10 years of a sentence of imprisonment imposed under this subsection (4)(a)(i) except as provided in 46-18-222(1) through (5), and during the first 10 years of imprisonment, the offender is not eligible for parole. For a second or subsequent offense, the"

4. Page 3, line 7 through page 4, line 11.
Strike: section 2 in its entirety
Renumber: subsequent sections

5. Page 4, line 14.
Following: "**children**"
Insert: "**and child pornography**"
Following: "children"
Insert: "and child pornography"

6. Page 5, line 11.
Following: "children"
Insert: " and child pornography"

7. Page 5, line 14.
Following: "children"
Insert: " and child pornography"

8. Page 5, line 16.
Following: "children"
Insert: " and child pornography"

9. Page 5, line 25.
Following: "years."
Strike: "The"
Insert: "For a first offense, the court may not suspend execution or defer imposition of the first 10 years of a sentence of imprisonment imposed under this subsection (4)(a)(i) except as provided in 46-18-222(1) through (5), and during the first 10 years of imprisonment, the offender is not eligible for parole. For a second or subsequent offense, the"

10. Page 6, line 30.
Following: line 30
Insert: "Section 8. Section 45-8-221, MCA, is amended to read:

"45-8-221. Predatory loitering by sexual offender. (1) A person commits the offense of predatory loitering if the person:

(a) was previously convicted of a predatory sexual offense or sexual abuse of children <u>and child pornography</u>;

(b) purposely or knowingly loiters:

(i) in the vicinity of a residence, school, church, or place of work of the person's previous victim; or

(ii) in the vicinity of any school, park, playground, church, bicycle or multiuse path, or other place frequented by minors of an age similar to the age of the victim of the previous sexual offense if the sexual offense concerned a minor; and

(c) has previously been requested by a person in authority to:

(i) leave the area in which the person loiters; or

(ii) leave any area in which the person has loitered.

(2) Proof of the offense of predatory loitering must also include proof that the person in authority has made a report of the request to the law enforcement agency with jurisdiction over the area, and the agency has documented the report.

(3) A person convicted of the offense of predatory loitering may be fined not more than $500 or be imprisoned for not more than 6 months, or both. A person convicted of a second or subsequent offense of predatory loitering may be fined not more than $1,000 or be imprisoned for not more than 1 year, or both.

(4) As used in this section, the following definitions apply:

(a) "Person in authority" includes a peace officer or:

(i) for the purposes of a school or playground, a principal, teacher, school staff member, parent or other adult relative of a child attending the school or playground, or other supervisor of minors;

(ii) for the purposes of a church, a minister, priest, rabbi, deacon, or other ecclesiastical official, a church staff member, or a parent or other adult relative of a child attending the church;

(iii) for the purposes of a park, playground, or bicycle or multiuse path, a person specified in subsection (3)(a)(i) or a park warden, guard, or host; or

(iv) for purposes of a place of work, a person employed at the place of work.

(b) "Predatory sexual offense" has the meaning provided in 46-23-502.

(c) "Sexual abuse of children <u>and child pornography</u>" means commission of the offense provided in 45-5-625.""

Insert: "Section 9. Section 46-1-502, MCA, is amended to read:

"46-1-502. Mediation. (1) At any time after the commencement of a prosecution and before the verdict, the court may, at its suggestion or upon motion of a party and with the consent of all the parties, refer the proceeding to mediation by a mediator chosen by the court.

(2) The proceeding may not be referred for mediation if the offense charged is:

(a) deliberate homicide, as described in 45-5-102;

(b) mitigated deliberate homicide, as described in 45-5-103;

(c) intimidation, as described in 45-5-203;

(d) partner or family member assault, as described in 45-5-206;

(e) assault on a minor, as described in 45-5-212;

(f) strangulation of a partner or family member, as described in 45-5-215;

(g) stalking, as described in 45-5-220;

(h) aggravated kidnapping, as described in 45-5-303;

(i) a sex crime, as described in 45-5-502, 45-5-503, 45-5-504, or 45-5-507;

(j) endangering the welfare of children, as described in 45-5-622;

(k) sexual abuse of children <u>and child pornography</u>, as described in 45-5-625; or

(l) ritual abuse of a minor, as described in 45-5-627.

(3) Any aspect of or issue in the proceeding may be the subject of the mediation, including but not limited to the charge, a plea bargain, or a recommended sentence.

(4) At any point during mediation, a party may withdraw from the mediation without penalty or sanction.

(5) This section does not prohibit the parties from engaging in traditional plea negotiations.""

Insert: "Section 10. Section 46-4-307, MCA, is amended to read:

"46-4-307. Sexual abuse of children <u>and child pornography</u> -- report to national center for missing and exploited children. A peace officer who, pursuant to a criminal investigation, recovers images or movies of a child in an exhibition of sexual conduct, actual or simulated, or images or movies of a child engaging in sexual conduct, actual or simulated, shall:

(1) provide the images or movies to the law enforcement contact at the child victim identification program at the national center for missing and exploited children;

(2) request the law enforcement contact at the child victim identification program to identify any images or movies recovered that contain an identified victim of ~~child~~ sexual abuse <u>of children and child pornography</u> as defined by 45-5-625; and

(3) provide case information to the child victim identification program in any case in which the peace officer identifies a previously unidentified victim of ~~child~~ sexual abuse <u>of children and child pornography</u>.""

Insert: "Section 11. Section 46-18-219, MCA, is amended to read:

"46-18-219. Life sentence without possibility of release. (1) (a) Except as provided in subsection (3), if an offender convicted of one of the following offenses was previously convicted of one of the following offenses or of an offense under the laws of another state or of the United States that, if committed in this state, would be one of the following offenses, the offender must be sentenced to life in prison, unless the death penalty is applicable and imposed:

(i) 45-5-102, deliberate homicide;

(ii) 45-5-303, aggravated kidnapping;

(iii) 45-5-625, sexual abuse of children <u>and child pornography</u>;

(iv) 45-5-627, except subsection (1)(b), ritual abuse of a minor; or

(v) 45-5-508, aggravated sexual intercourse without consent.

(b) Except as provided in subsection (3), if an offender convicted of one of the following offenses was previously convicted of two of the following offenses, two of any combination of the offenses listed in subsection (1)(a) or the following offenses, or two of any offenses under the laws of another state or of the United States that, if committed in this state, would be one of the offenses listed in subsection (1)(a) or this subsection, the offender must be sentenced to life in prison, unless the death penalty is applicable and imposed:

(i) 45-5-103, mitigated deliberate homicide;

(ii) 45-5-202, aggravated assault;

(iii) 45-5-215, strangulation of a partner or family member;

(iv) 45-5-302, kidnapping;

(v) 45-5-401, robbery; or

(vi) 45-5-603, aggravated promotion of prostitution.

(2) Except as provided in 46-23-210 and subsection (3) of this section, an offender

sentenced under subsection (1):

(a) shall serve the entire sentence;

(b) shall serve the sentence in prison;

(c) may not for any reason, except a medical reason, be transferred for any length of time to another type of institution, facility, or program;

(d) may not be paroled; and

(e) may not be given time off for good behavior or otherwise be given an early release for any reason.

(3) If the offender was previously sentenced for either of two or three offenses listed in subsection (1), pursuant to any of the exceptions listed in 46-18-222, then the provisions of subsections (1) and (2) of this section do not apply to the offender's present sentence.

(4) The imposition or execution of the sentences prescribed by this section may not be deferred or suspended. In the event of a conflict between this section and any provision of 46-18-201 or 46-18-205, this section prevails.

(5) (a) For purposes of this section, "prison" means a secure detention facility in which inmates are locked up 24 hours a day and that is operated by this state, another state, the federal government, or a private contractor.

(b) Prison does not include a work release center, prerelease center, boot camp, or any other type of facility that does not provide secure detention.""

Insert: "Section 12. Section 46-18-231, MCA, is amended to read:

"46-18-231. Fines in felony and misdemeanor cases. (1) (a) Except as provided in subsection (1)(b), whenever, upon a verdict of guilty or a plea of guilty or nolo contendere, an offender has been found guilty of an offense for which a felony penalty of imprisonment could be imposed, the sentencing judge may, in lieu of or in addition to a sentence of imprisonment, impose a fine only in accordance with subsection (3).

(b) For those crimes for which penalties are provided in the following sections, a fine may be imposed in accordance with subsection (3) in addition to a sentence of imprisonment:

(i) 45-5-103(4), mitigated deliberate homicide;

(ii) 45-5-202, aggravated assault;

(iii) 45-5-213, assault with a weapon;

(iv) 45-5-302(2), kidnapping;

(v) 45-5-303(2), aggravated kidnapping;

(vi) 45-5-401(2), robbery;

(vii) 45-5-502(3), sexual assault when the victim is less than 16 years old and the offender is 3 or more years older than the victim or the offender inflicts bodily injury in the course of committing the sexual assault;

(viii) 45-5-503(2) through (5), sexual intercourse without consent;

(ix) 45-5-507(5), incest when the victim is 12 years of age or younger and the offender is 18 years of age or older at the time of the offense;

(x) 45-5-601(3),45-5-602(3), or 45-5-603(2)(b), prostitution, promotion of prostitution, or aggravated promotion of prostitution when the person patronized or engaging in prostitution was a child and the patron was 18 years of age or older at the time of the offense;

(xi) 45-5-625(4), sexual abuse of children <u>and child pornography</u>;

(xii) 45-9-101(4), criminal possession with intent to distribute a dangerous drug; and

(xiii) 45-9-109, criminal possession with intent to distribute dangerous drugs on or near

school property.

(2) Whenever, upon a verdict of guilty or a plea of guilty or nolo contendere, an offender has been found guilty of an offense for which a misdemeanor penalty of a fine could be imposed, the sentencing judge may impose a fine only in accordance with subsection (3).

(3) The sentencing judge may not sentence an offender to pay a fine unless the offender is or will be able to pay the fine. In determining the amount and method of payment, the sentencing judge shall take into account the nature of the crime committed, the financial resources of the offender, and the nature of the burden that payment of the fine will impose.

(4) Any fine levied under this section in a felony case shall be in an amount fixed by the sentencing judge not to exceed $50,000.""

Insert: "Section 13. Section 46-18-1001, MCA, is amended to read:

"46-18-1001. Definitions. As used in this part, the following definitions apply:

(1) (a) "Home" means the temporary or permanent residence of an offender consisting of the actual living area approved by the supervising authority.

(b) When more than one residence or family are located on a single piece of property, the term does not include the residence of any other person who is not part of the social unit formed by the offender's immediate family.

(2) "Home arrest" means the use of a person's home for purposes of confinement and home arrest procedures and conditions imposed under this part. It does not include intensive supervision by the department of corrections.

(3) "Monitoring device" means an electronic device or apparatus capable of recording or transmitting information concerning the offender's presence in or absence from the home. The device may include an apparatus for testing the offender's breath for the presence of alcohol. A telephone alone is not a monitoring device.

(4) "Supervising authority" means:

(a) in the case of an adult felon, the department of corrections;

(b) in the case of an adult misdemeanant, a court-approved entity other than the department of corrections; or

(c) in the case of a juvenile, the juvenile probation division of the youth court or any other person or entity appointed by the court.

(5) "Violent felony offense" means deliberate homicide, mitigated deliberate homicide, negligent homicide, aggravated assault, negligent vehicular assault, kidnapping, aggravated kidnapping, robbery, sexual intercourse without consent, sexual abuse of children <u>and child pornography</u>, arson, aggravated burglary, escape, any criminal attempt to commit an enumerated offense, or conviction as a persistent felony offender when the offender has a felony conviction for any of the listed offenses within the 5-year period preceding the date of the present conviction.""

Insert: "Section 14. Section 52-3-803, MCA, is amended to read:

"52-3-803. Definitions. As used in this part, the following definitions apply:

(1) "Abuse" means:

(a) the infliction of physical or mental injury; or

(b) the deprivation of food, shelter, clothing, or services necessary to maintain the physical or mental health of an older person or a person with a developmental disability without lawful authority. A declaration made pursuant to 50-9-103 constitutes lawful authority.

(2) "Department" means the department of public health and human services provided

for in 2-15-2201.

(3) "Exploitation" means:

(a) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;

(b) an act taken by a person who has the trust and confidence of an older person or a person with a developmental disability to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of or interest in the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of or interest in the person's money, assets, or property;

(c) the unreasonable use of an older person or a person with a developmental disability or of a power of attorney, conservatorship, or guardianship with regard to an older person or a person with a developmental disability done in the course of an offer or sale of insurance or securities in order to obtain control of or to divert to the advantage of another the ownership, use, benefit, or possession of the person's money, assets, or property by means of deception, duress, menace, fraud, undue influence, or intimidation with the intent or result of permanently depriving the older person or person with a developmental disability of the ownership, use, benefit, or possession of the person's money, assets, or property.

(4) "Incapacitated person" has the meaning given in 72-5-101.

(5) "Long-term care facility" means a facility defined in 50-5-101.

(6) "Mental injury" means an identifiable and substantial impairment of a person's intellectual or psychological functioning or well-being.

(7) "Neglect" means the failure of a person who has assumed legal responsibility or a contractual obligation for caring for an older person or a person with a developmental disability or who has voluntarily assumed responsibility for the person's care, including an employee of a public or private residential institution, facility, home, or agency, to provide food, shelter, clothing, or services necessary to maintain the physical or mental health of the older person or the person with a developmental disability.

(8) "Older person" means a person who is at least 60 years of age.

(9) "Person with a developmental disability" means a person 18 years of age or older who has a developmental disability, as defined in 53-20-102.

(10) "Physical injury" means death, permanent or temporary disfigurement, or impairment of any bodily organ or function.

(11) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, incest, or sexual abuse of children <u>and child pornography</u> as described in Title 45, chapter 5, part 5, and Title 45, chapter 8, part 2.""

Renumber: subsequent section

And, as amended, do pass.

SB 225, introduced bill, be amended as follows:

1. Title, page 1, line 12.
Strike: "72-7-305,"
Strike: "72-2-124,"

2. Title, page 1, line 13.
Strike: "72-2-1017,"

3. Page 11, line 8 through page 16, line 29.
Strike: section 13 through section 19 in their entirety
Renumber: subsequent sections

4. Page 17, line 1.
Strike: "20 through 29"
Insert: "13 through 22"

5. Page 17, line 2.
Strike: "24"
Insert: "17"

6. Page 17, line 3.
Strike: "24"
Insert: "17"

7. Page 17, line 28.
Strike: "24(2)(b)"
Insert: "17(2)(b)"

8. Page 18, line 1 through line 2.
Strike: "20" on line 1 through "29" on line 2
Insert: "13 through 22"

9. Page 18, line 4.
Strike: "26 and 28(1)(a)"
Insert: "19 and 21(1)(a)"

10. Page 18, line 5 through line 6.
Strike: "28(3)" on line 5 through "(4)" on line 6
Insert: "21(3) and (4)"

11. Page 18, line 9.
Strike: "28(3) and (4)"

Insert: "21(3) and (4)"

12. Page 18, line 16.
Strike: "27"
Insert: "20"

13. Page 18, line 17.
Strike: "23" through "26"
Insert: "16, 17, 18, and 19"

14. Page 19, line 22.
Strike: "23"
Insert: "16"

15. Page 21, line 22.
Strike: "24(1) or (2)"
Insert: "17(1) or (2)"

16. Page 21, line 27.
Strike: "23 or 25"
Insert: "16 or 18"

17. Page 22, line 25.
Strike: "24" through "26"
Insert: "17, 18, or 19"

18. Page 23, line 3.
Strike: "24" through "26"
Insert: "17, 18, or 19"

19. Page 23, line 11.
Strike: "23"
Insert: "16"

20. Page 23, line 13.
Strike: "25"
Insert: "18"

21. Page 23, line 16.
Strike: "26"
Insert: "19"

22. Page 23, line 18.
Strike: "26"
Insert: "19"

23. Page 23, line 19.
Strike: "22(2)"
Insert: "15(2)"

24. Page 23, line 24.
Strike: "24(1) and (2)"
Insert: "17(1) and (2)"

25. Page 25, line 24.
Strike: "28(3) and (4)"
Insert: "21(3) and (4)"

26. Page 26, line 22.
Strike: "24"
Insert: "17"

27. Page 26, line 28.
Strike: "24"
Insert: "17"

28. Page 27, line 6.
Strike: "28"
Insert: "21"

29. Page 27, line 11.
Strike: "28"
Insert: "21"

30. Page 27, line 17.
Strike: "24"
Insert: "17"

31. Page 29, line 6.
Strike: "28"
Insert: "21"

32. Page 37, line 2.
Following: ""Adoptee""
Strike: remainder of line 2
Insert: "means an individual who is adopted."

33. Page 37, line 3.
Following: "reproduction""
Strike: remainder of line 3
Insert: "means a child conceived by means of assisted reproduction by a woman other than a

gestational carrier."

34. Page 37, line 6 through line 7.
Following: "adoptee""
Strike: remainder of line 6 and line 7.
Insert: "means behaving toward an adoptee in a manner consistent with being the adoptee's parent and performing functions that are customarily performed by a parent, including fulfilling parental responsibilities toward the adoptee, recognizing or holding out the adoptee as the individual's child, materially participating in the adoptee's upbringing, and residing with the adoptee in the same household as a regular member of that household."

35. Page 37, line 8.
Following: "child""
Strike: remainder of line 8
Insert: "means behaving toward a child in a manner consistent with being the child's parent and performing functions that are customarily performed by a parent, including fulfilling parental responsibilities toward the child, recognizing or holding out the child as the individual's child, materially participating in the child's upbringing, and residing with the child in the same household as a regular member of that household."

36. Page 37, line 9.
Strike: line 9
Renumber: subsequent subsections

37. Page 37, line 10.
Strike: line 10
Renumber: subsequent subsections

38. Page 37, line 11.
Following: "Relative""
Strike: remainder of line 11
Insert: "means a grandparent or a descendant of a grandparent."

39. Page 51, line 27.
Strike: "47 through 63"
Insert: "40 through 56"

40. Page 51, line 30.
Strike: "47 through 63"
Insert: "40 through 56"

41. Page 52, line 25.
Strike: "47 through 63"
Insert: "40 through 56"

42. Page 52, line 28.
Strike: "**47 through 63**"
Insert: "**40 through 56**"

43. Page 52, line 29.
Strike: "47 through 63 "
Insert: "40 through 56"

44. Page 52, line 29 through line 30.
Strike: "47" on line 29 through "63" on line 30
Insert: "40 through 56"

45. Page 53, line 1.
Strike: "47 through 63"
Insert: "40 through 56"

46. Page 53, line 2.
Strike: "47 through 63"
Insert: "40 through 56"

47. Page 53, line 17.
Strike: "58"
Insert: "51"

48. Page 53, line 25.
Strike: "58"
Insert: "51"

49. Page 53, line 26.
Strike: "52 through 57"
Insert: "45 through 50"

50. Page 53, line 27.
Strike: "47 through 63"
Insert: "40 through 56"

51. Page 54, line 4.
Strike: "53 or 54"
Insert: "46 or 47"

52. Page 58, line 9.
Strike: "47 through 63"
Insert: "40 through 56"

53. Page 58, line 12.

Strike: "47 through 63"
Insert: "40 through 56"

54. Page 58, line 15.
Strike: "47 through 63"
Insert: "40 through 56"

55. Page 58, line 18.
Strike: "47 through 63"
Insert: "40 through 56"

56. Page 59, line 22.
Strike: "58(7)(b)"
Insert: "51(7)(b)"

57. Page 58, line 27.
Strike: "59"
Insert: "52"

58. Page 58, line 28.
Strike: "47 through 63"
Insert: "40 through 56"

59. Page 59, line 2.
Strike: "47 through 63"
Insert: "40 through 56"

60. Page 59, line 12 through line 15.
Strike: section 65 in its entirety
Renumber: subsequent sections

61. Page 74, line 7.
Strike: "94"
Insert: "86"

62. Page 76, line 22.
Strike: "93 through 110"
Insert: "85 through 102"

63. Page 76, line 25.
Strike: "93 through 110"
Insert: "85 through 102"

64. Page 77, line 9.
Strike: "93 through 110"

Insert: "85 through 102"

65. Page 77, line 13.
Strike: "93 through 110"
Insert: "85 through 102"

66. Page 79, line 10.
Strike: "91"
Insert: "83"

67. Page 80, line 4.
Strike: "47 through 63"
Insert: "40 through 56"

68. Page 80, line 8.
Strike: "91"
Insert: "83"

69. Page 80, line 11.
Strike: "93 through 110"
Insert: "85 through 102"

70. Page 82, line 24.
Following: "under [sections"
Strike: "93 through 110"
Insert: "85 through 102"
Following: "of [sections"
Strike: "93 through 110"
Insert: "85 through 102"

71. Page 84, line 12 through line 13.
Strike: "93 through" on line 12 through "110" on line 13
Insert: "85 through 102"

72. Page 84, line 15 through page 85, line 1.
Strike: section 111 in its entirety
Renumber: subsequent sections

73. Page 85, line 4.
Strike: "55 and 56"
Insert: "48 and 49"

74. Page 85, line 30.
Strike: "29"
Insert: "22"

75. Page 86, line 1.
Strike: "29"
Insert: "22"

76. Page 86, line 2.
Strike: "40"
Insert: "33"

77. Page 86, line 3.
Strike: "40"
Insert: "33"

78. Page 86, line 4.
Strike: "45 through 63"
Insert: "38 through 56"

79. Page 86, line 5.
Strike: "45 through 63"
Insert: "38 through 56"

80. Page 86, line 6 through line 7.
Strike: subsection (6) in its entirety

81. Page 86, line 8.
Strike: "72"
Insert: "64"

82. Page 86, line 9.
Strike: "72"
Insert: "64"

83. Page 86, line 10.
Strike: "81"
Insert: "73"

84. Page 86, line 11.
Strike: "81"
Insert: "73"

85. Page 86, line 12.
Strike: "91"
Insert: "83"

86. Page 86, line 13.
Strike: "91"

Insert: "83"

87. Page 86, line 14.
Strike: "93 through 110"
Insert: "85 through 102"

88. Page 86, line 15.
Strike: "93 through 110"
Insert: "85 through 102"

89. Page 86, line 19.
Strike: line 19 in its entirety

90. Page 86, line 28.
Strike: line 28

And, as amended, do pass.

SR 11, be adopted.

LOCAL GOVERNMENT (Lang, Chair): 2/18/2019
SB 198, do pass.
SB 243, do pass.
HB 55, be amended as follows:

1. Title, page 1, line 7 through line 8.
Strike: "REMOVING" on line 7 through "SYSTEMS;" on line 8.

2. Title, page 1, line 13.
Strike: "AN EFFECTIVE DATE"
Insert: "EFFECTIVE DATES"

3. Page 6, line 17.
Following: "(11)"
Insert: "(a)"

4. Page 6, line 17 through 18.
Strike: "that" on line 17 through "2011" on line 18
Insert: "submitted for approval under this chapter after March 30, 2011.
(b) The term does not include drainfield mixing zones that existed or were approved under this chapter prior to March 30, 2011"

5. Page 6, line 19.
Strike: subsection (12) in its entirety
Renumber: subsequent subsections

6. Page 6, line 20.
Following: "(13)"
Insert: "(a)"

7. Page 6, line 20 through line 21.
Strike: "not" on line 20 through "2013" on line 21.
Insert: "submitted for approval under this chapter after October 1, 2013.
(b) The term does not include well isolation zones that existed or were approved under this chapter prior to October 1, 2013"

8. Page 14, line 16.
Strike: "may"
Insert: "shall"

9. Page 14, line 17.
Following: "disposal system"
Insert: "required by rule to be designed by a registered professional engineer"

10. Page 19, line 15.
Following: line 14
Insert: "(i) new divisions subject to review under the Montana Subdivision and Platting Act;"
Renumber: subsequent subsections

11. Page 19, line 25.
Following: "(f)"
Insert: "the sale of"
Following: "provided"
Strike: "in 77-2-318"
Insert: "for and subject to the limitations in 77-2-318(2)"

12. Page 23, line 28.
Strike: Section 19 in its entirety
Insert: "NEW SECTION. **Section 19. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2019.
(2) [Section 5(6)(m) and section 7] are effective January 1, 2020."

And, as amended, be concurred in.

HB 154, be concurred in.
HB 259, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 2/18/2019
SB 252, do pass.
HB 56, be concurred in.
HB 57, be concurred in.

HB 70, be concurred in.
HB 220, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/18/2019
SB 216, do pass.

STATE ADMINISTRATION (Brown, Chair): 2/18/2019
SJ 9, introduced joint resolution, be amended as follows:

1. Page 2, line 27.
Following: line 26
Insert: "(4) That the Secretary of State send copies of this resolution to all three members of Montana's Congressional Delegation, Governor Bullock, Director General Kuo-Shu Fan and Vice Consul KuanTing Chen of the Taipei Economic and Cultural Office in Seattle, President Ing-Wen Tsai, and Minister of Foreign Affairs Jaushieh Joseph Wu."

And, as amended, do pass.

TAXATION (Webb, Chair): 2/19/2019
SB 217, introduced bill, be amended as follows:

1. Page 4, line 30.
Strike: "$30,000"
Insert: "$20,000"

2. Page 5, line 1.
Strike: "$36,000"
Insert: "$26,000"

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 19, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Tuesday, February 19, 2019, I signed the following bills:

Senate Bill 10 - Salomon
Senate Bill 16 - Salomon
Senate Bill 28 - Richmond

These bills have been delivered to the Secretary of State's Office.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/18/2019

HB 179, introduced by A. Redfield
HB 243, introduced by K. White
HB 265, introduced by K. White
HB 275, introduced by F. Garner
HB 297, introduced by F. Fleming
HB 320, introduced by B. Mercer
HB 322, introduced by J. Fuller
HB 326, introduced by A. Redfield
HB 327, introduced by A. Redfield
HB 366, introduced by R. Farris-Olsen
HB 369, introduced by R. Lynch

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 279, introduced by T. Jacobson, referred to Business, Labor, and Economic Affairs.
SB 280, introduced by A. Olszewski, M. Caferro, S. Fitzpatrick, K. Kelker, S. Malek, T. Moore, W. Sales, D. Salomon, D. Sands, F. Thomas, R. Webb, referred to Public Health, Welfare and Safety.
SB 281, introduced by J. Fielder, referred to State Administration.
SB 283, introduced by J. Cohenour, K. Dudik, P. Flowers, T. Jacobson, J. Karjala, J. Pomnichowski, J. Welborn, referred to Fish and Game.
SB 284, introduced by J. Gross, B. Bennett, P. Flowers, T. Jacobson, M. MacDonald, S. Malek, E. McClafferty, N. McConnell, M. McNally, M. Phillips, J. Pomnichowski, D. Salomon, D. Sands, J. Sesso, F. Smith, G. Vuckovich, S. Webber, referred to State Administration.
SB 285, introduced by D. Brown, referred to State Administration.
SB 286, introduced by B. Bennett, K. Bogner, D. Brown, J. Cohenour, J. Fielder, S. Fitzpatrick, P. Flowers, F. Garner, S. Greef, M. Hopkins, F. Mandeville, M. McNally, K. Regier, T. Richmond, K. Sullivan, G. Vance, D. Zolnikov, referred to Judiciary.
SB 287, introduced by J. Ellsworth, referred to Fish and Game.

The following Senate bill was introduced and read first time:

SB 282, introduced by J. Fielder.

The following Senate bill, previously introduced, was referred to committee:

SB 278, introduced by T. Richmond, D. Ankney, referred to Energy and Telecommunications.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 13, introduced by M. Cuffe, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 179, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.
HB 243, introduced by K. White, referred to Fish and Game.
HB 265, introduced by K. White, referred to Fish and Game.
HB 275, introduced by F. Garner, referred to Fish and Game.
HB 297, introduced by F. Fleming, B. Beard, R. Garcia, D. Lenz, B. Mercer, B. Usher, referred to State Administration.
HB 320, introduced by B. Mercer, referred to Business, Labor, and Economic Affairs.
HB 322, introduced by J. Fuller, S. Berglee, M. Blasdel, W. Galt, G. Hertz, B. Tschida, D. Skees, referred to Judiciary.
HB 326, introduced by A. Redfield, Z. Brown, referred to Local Government.
HB 327, introduced by A. Redfield, referred to Agriculture, Livestock and Irrigation.
HB 366, introduced by R. Farris-Olsen, M. Funk, referred to Judiciary.
HB 369, introduced by R. Lynch, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator R. Webb in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 184 - Majority Leader Thomas moved consideration of **SB 184** and **SB 162** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 30 - Majority Leader Senator Thomas moved consideration of **SB 30** be passed for the day. Without objection, so ordered.

SB 44 - Senator Cohenour moved consideration of **SB 44** be passed for the day. Without objection, so ordered.

SB 32 - Senator Sesso moved **SB 32** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Esp.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 147 - Senator MacDonald moved **SB 147** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith

C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Hinebauch, Kary, Mr President, Vance.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 226 - Senator Vance moved **SB 226** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Barrett, Esp, Keenan, Malek.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 229 - Senator Hoven moved **SB 229** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 34

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Mr President, Salomon, Smith C, Vance, Welborn.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 53 - Senator Sesso moved **SB 53** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Vance, Webb.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 231 - Senator Bennett moved **SB 231** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 232 - Senator Bennett moved **SB 232** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 41

Nays: Bogner, Fielder, Hinebauch, Lang, Mr President, Olszewski, Osmundson, Smith C, Vance.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 45 - Senator Cohenour moved **HB 45** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 35

Nays: Blasdel, Bogner, Brown, Cuffe, Howard, Kary, Keenan, Mr President, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 3 - Senator Kary moved **HJ 3** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 40

Nays: Blasdel, Bogner, Esp, Fielder, Hinebauch, Howard, Keenan, Mr President, Smith C, Welborn.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 145 - Senator Gross moved **HB 145** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Howard.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 228 - Senator Esp moved **HB 228** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally,

Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 12 - Senator D. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 12**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 30 - Senator D. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 30**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon,

Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Sales assumed the chair.

SB 184 - Senator R. Webb moved **SB 184** do pass. Motion **failed** as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb.
Total 25

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 25

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 184 - Majority Leader Thomas moved **SB 184** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vance, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Bogner, Brown, Cuffe, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Webb.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 162 - Senator R. Webb moved **SB 162** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith C, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 35

Nays: Ankney, Blasdel, Bogner, Esp, Fielder, Fitzpatrick, Gauthier, Hinebauch, Keenan, Osmundson, Regier, Small, Thomas, Vance, Welborn.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 53** and **SB 147**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 78 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 132 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Barrett, Ellis, Pomnichowski.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 176 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 177 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Howard, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 223 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 43 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Pomnichowski.

Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 50 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 51 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Keenan, Olszewski.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 102 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 143 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 163 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 196 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Cuffe.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 201 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 206 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Senator Cuffe arose and stated that it was his intent to vote Yes on the third reading of **HB 206**

and that he wished to make sure his vote had been included in the final vote.

Senator Gross arose on a point of personal privilege and clarified information presented during the discussion of **HB 145**.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, February 20, 2019, the thirty-sixth legislative day. Motion carried.

Senate adjourned at 2:47 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 20, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/20/2019
Correctly printed: **SB 32**, **SB 53**, **SB 147**, **SB 162**, **SB 198**, **SB 216**, **SB 226**, **SB 229**, **SB 231**, **SB 232**, **SB 243**, **SB 252**, **SB 279**, **SB 280**, **SB 281**, **SB 282**, **SB 283**, **SB 284**, **SB 285**, **SB 286**, **SB 287**, **SR 11**,**SJ 13**, **HB 45**, **HB 56**, **HB 57**, **HB 70**, **HB 92**, **HB 145**, **HB 154**, **HB 220**, **HB 228**, **HB 259**, **HJ 3**.
Correctly engrossed: **SB 220**, **SB 221**, **SB 225**, **SB 234**, **HB 35**, **HB 65**, **HB 94**.
Transmitted to the House: **SB 78**, **SB 132**, **SB 176**, **SB 177**, **SB 223**, **HB 43**, **HB 50**, **HB 51**, **HB 102**, **HB 143**, **HB 163**, **HB 196**, **HB 201**, **HB 206**.
Signed by the Secretary of the Senate at 4:30 p.m., February 19, 2019: **SR 6**, **SR 7**.
Signed by the President at 4:50 p.m., February 19, 2019: **SR 6**, **SR 7**.
Delivered to the Secretary of State at 9:45 a.m., February 20, 2019: **SR 6**, **SR 7**.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/19/2019
SB 199, do pass.

FINANCE AND CLAIMS (Osmundson, Chair): 2/19/2019
SB 114, do pass.
HB 73, be concurred in.

FISH AND GAME (Fielder, Chair): 2/20/2019
HB 94, be amended as follows:

1. Page 4, line 18.
Following: "outfitting" on line 18
Insert: ","
Strike: "or"

2. Page 4, line 19, through line 20.
Following: "commercial hunting" on line 19
Strike: "restricts public hunting opportunities" on page 4, line 19 through "THAT LAND" on page 4, line 20

Insert: ",or fees charged for private hunting access unreasonably restrict public hunting opportunities."

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 2/20/2019
SB 213, do pass.
SB 220, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "ALLOWING"
Insert: "CLARIFYING THAT"
Following: "GOVERNMENT"
Insert: "HAS THE AUTHORITY"

2. Title, page 1, line 6.
Following: "SERVICES; "
Insert: "PROVIDING THAT ONLY PUBLICLY EMPLOYED PROBATION OFFICERS MAY MAKE ARRESTS;"

3. Page 2, line 16.
Following: line 16
Insert: "(a) must have the minimum training required in 46-23-1003; and"
Renumber: subsequent subsections

4. Page 2, line 17.
Strike: "; and"
Insert: "."

5. Page 2, line 18.
Following: "~~(c)~~"
Strike: "(b)"
Insert: "(3) A publicly employed misdemeanor probation officer"

6. Page 2, line 19.
Strike: "(3)"
Insert: "(4)"

And, as amended, do pass.

HB 283, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/19/2019

HB 21, introduced by R. Peppers
HB 41, introduced by J. Windy Boy
HB 318, introduced by F. Garner
HB 319, introduced by T. Winter

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 288, introduced by D. Brown, referred to Business, Labor, and Economic Affairs.
SB 289, introduced by D. Sands, referred to Public Health, Welfare and Safety.
SB 290, introduced by D. Barrett, referred to Highways and Transportation.
SB 291, introduced by F. Thomas, referred to State Administration.
SB 292, introduced by R. Webb, referred to Education and Cultural Resources.
SB 293, introduced by B. Hoven, referred to Judiciary.
SB 294, introduced by B. Hoven, referred to Judiciary.
SB 295, introduced by T. Richmond, N. Duram, D. Loge, referred to State Administration.
SB 296, introduced by S. Fitzpatrick, referred to Natural Resources.
SB 297, introduced by D. Brown, referred to Education and Cultural Resources.
SB 298, introduced by D. Brown, referred to Education and Cultural Resources.

The following Senate bills, previously introduced, were referred to committees:

SB 264, introduced by J. Small, D. Ankney, B. Bennett, T. Jacobson, J. Keane, R. Lynch, M. McNally, S. Stewart Peregoy, S. Webber, referred to Natural Resources.
SB 282, introduced by J. Fielder, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 21, introduced by R. Peppers, Dudik (by request of the State-Tribal Relations Committee), referred to Judiciary.
HB 41, introduced by J. Windy Boy (by request of the State-Tribal Relations Committee), referred to Education and Cultural Resources.
HB 319, introduced by T. Winter, referred to State Administration.

The following House bill was introduced and read first time:

HB 318, introduced by F. Garner.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Flowers in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 30 - Senator Gross moved **SB 30** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 35

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Osmundson, Regier, Vance, Webb, Mr President.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Fielder excused at this time.

SB 140 - Senator C. Smith moved **SB 140** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 207 - Senator Jacobson moved **SB 207** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Brown, Howard, Vance.
Total 3

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 127 - Senator Salomon moved **HB 127** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.

Total 0

HB 160 - Senator D. Brown moved **HB 160** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 162 - Senator Ellsworth moved **HB 162** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 176 - Senator Bogner moved **HB 176** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn.
Total 41

Nays: Blasdel, Brown, Cuffe, Howard, Kary, Olszewski, Webb, Mr President.
Total 8

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 213 - Senator Richmond moved **HB 213** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Flowers moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 30**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 32 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Cuffe.
Total 1

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.
Total 0

SB 139 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 33

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, Malek, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Webber.
Total 16

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 162 passed as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 30

Nays: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Thomas, Vance, Welborn, Mr President.
Total 19

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 226 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Barrett, Blasdel, Esp, Keenan, Pomnichowski.
Total 5

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 229 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 31

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Salomon, Smith C, Vance, Welborn, Mr President.
Total 18

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 231 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally,

Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 232 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 37

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Hinebauch, Lang, Olszewski, Osmundson, Smith C, Vance, Welborn, Mr President.
Total 12

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 45 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Kary, Keenan, Lang,

Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Vance, Webb, Mr President.
Total 19

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 145 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 228 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 3 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 40

Nays: Blasdel, Bogner, Ellsworth, Esp, Hinebauch, Howard, Keenan, Welborn, Mr President.
Total 9

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, February 21, 2019. Motion carried.

Senate adjourned at 2:08 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 21, 2019 — State Capitol

Senate convened at 1:02 p.m. President Sales presiding. Invocation by Senator Gross. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/21/2019
Correctly printed: **SB 30**, **SB 114**, **SB 140**, **SB 199**, **SB 207**, **SB 213**, **SB 288**, **SB 289**, **SB 290**, **SB 291**, **SB 292**, **SB 293**, **SB 294**, **SB 295**, **SB 296**, **SB 297**, **SB 298**, **HB 73**, **HB 127**, **HB 160**, **HB 162**, **HB 176**, **HB 213**, **HB 283**.
Correctly engrossed: **SB 38**, **SB 124**, **SB 134**, **SB 183**, **SB 215**, **SB 255**, **HB 35**.
Correctly enrolled: **SB 39**, **SB 54**, **SB 75**, **SB 94**, **SR 11**, **SR 12**, **SR 30**.
Transmitted to the House: **SB 32**, **SB 139**, **SB 162**, **SB 226**, **SB 229**, **SB 231**, **SB 232**, **HB 45**, **HB 145**, **HB 228**, **HJ 3**.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/21/2019
SB 183, introduced bill, be amended as follows:

1. Title, page 1, line 9.
STRIKE: "EFFECTIVE DATES"
Insert: "AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE"

2. Page 1, line 13.
Strike: "Effective July 1, 2021, the"
Insert: "The"

3. Page 1, line 14 through line 15.
Following: "authorized to" on line 14
Strike: "allow" on line 14 through "the board may" on line 15
Renumber: subsequent subsections

4. Page 1, line 16.
Following: "horseracing."
Insert: "The implementation of historical horseracing under this section must be conducted with

oversight and input provided by the economic affairs interim committee. This includes oversight and input on issues relating to the implementation of historical horseracing through proposed rules and legislation."

5. Page 10, line 26 through line 28.
Strike: section 11 in its entirety
Insert: "NEW SECTION. **Section 11. Effective date.** [This act] is effective on passage and approval."

6. Page 10, line 29.
Following: line 28
Insert: "NEW SECTION. **Section 12. Termination.** [This act] terminates June 30, 2021."

And, as amended, do pass.

SB 270, do pass.
HB 105, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/20/2019
SB 212, do pass.
SB 218, do pass.
HB 153, be concurred in.

JUDICIARY (Regier, Chair): 2/21/2019
SB 254, do pass.
SB 255, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "40-1-311"
Insert: "and must be notarized"

And, as amended, do pass.

SR 29, be adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/20/2019
SB 38, introduced bill, be amended as follows:

1. Page 15, line 14.
Following: "their"
Strike: "options"
Insert: "choice whether or not"

And, as amended, do pass.

SB 274, do pass.
SR 31, be adopted.
HB 86, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 2/20/2019
SB 124, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "ELECTRONIC"
Insert: "DIGITAL"
Strike: "IF A SIGNATURE IS REQUIRED"
Following: "DURING"
Insert: "THE"

2. Page 1.
Following: line 6
Insert: "WHEREAS, uniformed and overseas voters may not always have access to a printer, scanner, or regular mail in order to provide a physical signature when registering to vote; and

WHEREAS, although Montana law pursuant to section 13-21-106(3)(b), MCA, currently provides that if proper identification is provided, these voters need not provide a signature, some voters may not vote because a digital signature is not offered as an option; and

WHEREAS, the Federal Voting Assistance Program and the Council of State Governments has determined that voter experience could be improved if states would allow the use of the digital signature available with common access cards, which are identification cards issued by the U.S. Department of Defense only to qualified personnel; and

WHEREAS, allowing uniformed and overseas voters the option of using a common access card digital signature would provide an additional opportunity for these voters to register and vote as well as added security; and

WHEREAS, providing this option need not involve a costly change within the secretary of state's electronic absentee system because the digital signature can be validated through a current publicly available certificate-based protocol for which the U.S. Department of Defense is the trusted authority."

3. Page 1, line 22 through line 24.
Strike: subsection (3) in its entirety
Insert: "(3) "Digital signature" means the certificate-based digital identification code issued to qualified personnel by the U.S. department of defense as part of the common access card or its successor."

4. Page 1, line 26.
Strike: "42 U.S.C. 1973ff(b)(2)"
Insert: "52 U.S.C. 20301(b)(2)"

5. Page 1, line 28.
Strike: "42 U.S.C. 1973ff-2"

Insert: "52 U.S.C. 20303"

6. Page 3, line 11 through line 14.
Following: "voter" on line 11
Insert: "with a digital signature"
Following: "using" on line 11
Strike: remainder of line 11 through "electronically" on line 14
Insert: "the digital signature as provided in [section 4]"

7. Page 3, line 26.
Strike: "42 U.S.C. 1973ff"
Insert: "52 U.S.C. 20301"

8. Page 3, line 30.
Strike: "42 U.S.C. 1973ff-1(b)(1)"
Insert: "52 U.S.C. 20302(b)(1)"

9. Page 4.
Following: line 6
Insert: "NEW SECTION. **Section 4. Digital signature authorized.** (1) A covered voter may use a digital signature as proof that the voter is the sender when the voter is electronically transmitting any of the following documents to an election administrator pursuant to this chapter:

(a) a federal postcard application;
(b) an application for voter registration;
(c) a request for an absentee ballot; or
(d) the voter's marked ballot.

(2) An election administrator shall verify a digital signature received pursuant to this section and accept a validated digital signature as proof that a document has been transmitted by the voter.

(3) Nothing in this section may be interpreted as:
(a) requiring a covered voter to use a digital signature;
(b) requiring that an election administrator use a digital signature in lieu of the voter's date of birth and social security number or driver's license number to validate the voter's identity during the voter registration process;
(c) requiring a county election administrator or the secretary of state to validate the voter's identity with the certificate authority that issued the digital signature;
(d) requiring both a valid digital signature and the last four digits of a voter's social security number as proof that a document is from the voter; or
(e) prohibiting a county election administrator from using the last four digits of a voter's social security number, if provided on the document, to verify that the document was sent by the voter."

Insert: "NEW SECTION. **Section 5. Codification instruction.** [Section 4] is intended to be codified as an integral part of Title 13, chapter 21, part 1, and the provisions of Title 13, chapter 21, part 1, apply to [section 4]."

And, as amended, do pass.

SB 134, introduced bill, be amended as follows:

1. Page 2, line 18.
Strike: "intended"
Insert: "contracted"

2. Page 4, line 24.
Strike: "intended"
Insert: "contracted"
Following: "use"
Insert: "directly or indirectly"

And, as amended, do pass.

SB 236, do pass.
SB 258, do pass.
SJ 10, do pass.

STATE ADMINISTRATION (Brown, Chair): 2/21/2019
SB 275, do pass.

TAXATION (Webb, Chair): 2/21/2019
SB 215, introduced bill, be amended as follows:

1. Page 2, line 1.
Strike: "(i)"

2. Page 2, line 2.
Following: "~~amended or~~"
Insert: "and must be used by all agencies with responsibilities for estimating revenue or costs, including the preparation of fiscal notes,"

3. Page 2, line 5 through line 7.
Strike: subsection (3)(a)(ii) in its entirety

4. Page 2, line 8.
Strike: "(i)"

5. Page 2, line 11.
Strike: "(ii)"
Insert: "(c)"

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/20/2019

SB 39, introduced by S. Fitzpatrick
SB 54, introduced by F. Thomas
SB 75, introduced by G. Vuckovich
SB 94, introduced by T. Gauthier

House bills passed and transmitted to the Senate for concurrence: 2/20/2019

HB 172, introduced by D. Bedey
HB 192, introduced by M. Ryan
HB 238, introduced by T. Manzella
HB 262, introduced by B. Mercer
HB 368, introduced by R. Lynch
HB 386, introduced by G. Hertz
HB 422, introduced by E. Buttrey
HB 436, introduced by B. Hamlett

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 299, introduced by M. Lang, B. Hamlett, F. Moore, R. Osmundson, T. Richmond, S. Sales, R. Shaw, J. Welborn, K. White, referred to Natural Resources.
SB 300, introduced by K. Bogner, J. Ellsworth, J. Fielder, S. Hinebauch, C. Keogh, M. MacDonald, J. Small, D. Zolnikov, referred to Judiciary.
SB 301, introduced by J. Small, referred to Local Government.
SB 302, introduced by J. Esp, M. Dunwell, J. Gross, S. Hinebauch, M. MacDonald, K. Regier, D. Sands, R. Webb, referred to Judiciary.
SB 303, introduced by M. MacDonald, N. McConnell, referred to Judiciary.
SB 304, introduced by R. Webb, referred to Judiciary.
SB 305, introduced by T. Gauthier, referred to Business, Labor, and Economic Affairs.
SB 306, introduced by T. Jacobson, referred to Public Health, Welfare and Safety.
SB 307, introduced by J. Welborn, D. Ankney, M. Caferro, S. Fitzpatrick, T. Gauthier, B. Grubbs, M. Hopkins, T. Richmond, D. Salomon, J. Sesso, R. Shaw, B. Smith, T. Welch, referred to Business, Labor, and Economic Affairs.
SB 308, introduced by R. Webb, referred to Judiciary.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 34, introduced by D. Ankney, referred to Energy and Telecommunications.
SR 35, introduced by D. Ankney, referred to Energy and Telecommunications.
SR 36, introduced by J. Small, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolutions were introduced, read first time, and referred to committee:

SJ 14, introduced by J. Pomnichowski, J. Gross, J. Karjala, C. Pope, D. Sands, J. Sesso, T. Woods, referred to State Administration.
SJ 15, introduced by M. MacDonald, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

HB 172, introduced by D. Bedey, N. Ballance, J. Ellsworth, J. Fuller, referred to State Administration.
HB 192, introduced by M. Ryan, K. Dudik, Curdy and Fern, referred to Judiciary.
HB 238, introduced by T. Manzella, S. Berglee, B. Brown, G. DeVries, D. Dunn, N. Duram, F. Garner, D. Skees, B. Tschida, B. Usher, S. Vinton, referred to Judiciary.
HB 262, introduced by B. Mercer, M. Regier, referred to Finance and Claims.
HB 368, introduced by R. Lynch, M. Blasdel, W. Galt, S. Sales, referred to Business, Labor, and Economic Affairs.
HB 386, introduced by G. Hertz, referred to Taxation.
HB 422, introduced by E. Buttrey, F. Anderson, D. Ankney, J. Ellsworth, D. Fern, S. Fitzpatrick, R. Garcia, F. Garner, B. Grubbs, D. Hayman, G. Hertz, B. Hoven, J. Krautter, D. Lenz, D. Loge, R. Lynch, D. Mortensen, A. Olszewski, K. Regier, T. Richmond, D. Salomon, C. Schreiner, R. Shaw, S. Vinton, T. Welch, J. Windy Boy, referred to Finance and Claims.
HB 436, introduced by B. Hamlett, J. Cohenour, referred to Finance and Claims.

MOTIONS

Majority Leader Thomas moved that consideration of **HB 92**, item 12 on the second reading agenda, be moved to the bottom of the board. Without objection, so ordered.

Majority Leader Thomas moved that **SB 217**, previously reported out of committee, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

The Senate was entertained by Expressions of Silence, a popular performing group of students from the Montana School for the Deaf and Blind. The group used sign language and dance to interpret recorded music for the Senators and guests.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gauthier in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 221 - Senator Phillips moved **SB 221** do pass.

SB 221 - Senator Phillips moved **SB 221**, second reading copy, be amended as follows:

1. Page 3, line 17.
Following: line 16
Insert: "(b) ivory or rhinoceros horn that is part of a bona fide antique and that is less than 5% by volume of the antique if the antique status is established by the owner or seller of the antique with historical documentation demonstrating provenance and showing the antique to be not less than 100 years old;"
Renumber: subsequent subsections

2. Page 4, line 11.
Following: "part of Title"
Strike: "45"
Insert: "87"
Following: "provisions of Title"
Strike: "45"
Insert: "87"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Thomas, Vuckovich, Webber.
Total 26

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 221 - Senator Phillips moved **SB 221**, as amended, do pass. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 24

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 26

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 221 - Senator Thomas moved **SB 221** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 155 - Senator R. Webb moved **SB 155** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 198 - Senator Ellsworth moved **SB 198** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Ankney, Blasdel, Esp, Keenan.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 225 - Senator Fitzpatrick moved **SB 225** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas,

Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Brown, Hinebauch, Howard, Kary, Smith C, Vance, Mr President.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 243 - Senator Ellis moved **SB 243** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 216 - Senator R. Webb moved **SB 216** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber.

Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 9 - Senator Pomnichowski moved **SJ 9** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 35 - Senator Fitzpatrick moved **HB 35** be concurred in.

HB 35 - Senator D. Brown moved **HB 35**, second reading copy, be amended as follows:

1. Page 3, line 13.
Strike: "1 YEAR"
Insert: "10 years"

Amendment **adopted** as follows:

Yeas: Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Salomon, Sesso, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

Total 31

Nays: Ankney, Barrett, Bennett, Cohenour, Ellis, Fitzpatrick, Flowers, Gross, Jacobson, MacDonald, Phillips, Pomnichowski, Richmond, Sands, Small, Smith F, Vuckovich, Webber, Welborn.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 35 - As amended, **HB 35** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 40

Nays: Bogner, Esp, Fielder, Gillespie, Howard, Lang, Smith C, Smith F, Tempel, Thomas.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 56 - Senator Richmond moved **HB 56** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 57 - Senator Pomnichowski moved **HB 57** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 44

Nays: Blasdel, Cuffe, Fielder, Lang, Vance, Mr President.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 65 - Senator Fitzpatrick moved **HB 65** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Malek, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 36

Nays: Barrett, Cohenour, Flowers, Gross, Howard, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Webber.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 220 - Senator Cohenour moved **HB 220** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 11 - Senator Ellsworth moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 11**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Olszewski assumed the chair.

HB 92 - Senator Gauthier moved **HB 92** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Gauthier moved the Committee of the Whole report be adopted. Report **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Phillips.
Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved **SB 155** and **SB 216**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 140 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals reflect a vote change from No to Yes made by Senator Welborn under Order of Business 9 - Motions.

SB 207 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski,

Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Brown, Howard, Vance, Mr President.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 127 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 160 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Ankney.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 162 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 176 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 39

Nays: Blasdel, Brown, Cuffe, Esp, Fielder, Howard, Kary, Smith C, Vance, Webb, Mr President.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 213 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Olszewski, Pomnichowski, Smith F.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Webb moved that **SB 21** be taken from the Judiciary Committee and placed on second reading the next legislative day. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 30

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Keenan, Malek, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Vance, Mr President.
Total 20

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Senator Welborn moved to change his third-reading vote on **SB 140** from No to Yes. Without objection, so ordered.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, February 22, 2019., the 38th legislative day. Motion carried.

Senate adjourned at 2:56 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 22, 2019 — State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Cuffe. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/22/2019
Correctly printed: **SB 21**, **SB 155**, **SB 198**, **SB 212**, **SB 216**, **SB 217**, **SB 218**, **SB 225**, **SB 236**, **SB 243**, **SB 254**, **SB 258**, **SB 270**, **SB 274**, **SB 275**, **SB 299**, **SB 300**, **SB 301**, **SB 302**, **SB 303**, **SB 304**, **SB 305**, **SB 306**, **SB 307**, **SB 308**, **SR 29**, **SR 31**, **SR 34**, **SR 35**, **SR 36**, **SJ 9**, **SJ 10**, **SJ 14**, **SJ 15**, **HB 56**, **HB 57**, **HB 65**, **HB 86**, **HB 92**, **HB 105**, **HB 153**, **HB 220**.
Correctly engrossed: **SB 24**, **SB 222**, **SB 224**, **SB 244**, **SB 256**, **SB 262**, **SB 268**, **SB 305**, **SJ 6**.
Correctly enrolled: **SB 83**.
Examined by the sponsor and found to be correct: **SB 39**, **SB 54**, **SB 75**, **SB 83**, **SB 94**, **SR 11**, **SR 12**, **SR 30**.
Transmitted to the House: **SB 140**, **SB 207**, **HB 127**, **HB 160**, **HB 162**, **HB 176**, **HB 213**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 2/21/2019
SB 230, do pass.
SB 271, do pass.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/22/2019
SB 288, do pass.
SB 305, introduced bill, be amended as follows:

1. Page 1, line 16.
Strike: "<u>is employed by or owns an entity with more than 10 employees</u>"
Insert: "owns or has owned an entity with more than 5 employees that is in the service or retail business sector"

And, as amended, do pass.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/21/2019
SB 195, do pass.
SB 244, introduced bill, be amended as follows:

1. Page 1, line 14.
Following: "90%"

Strike: "shareholder"
Insert: "customer"
Following: "10%"
Strike: "customer"
Insert: "shareholder"

And, as amended, do pass.

SB 278, do pass.

FINANCE AND CLAIMS (Osmundson, Chair): 2/22/2019
SB 24, introduced bill, be amended as follows:

1. Page 5, line 21.
Strike: "$1.38"
Insert: "$1.37"

2. Page 5, line 23.
Strike: "38"
Insert: "39"

And, as amended, do pass.

SB 53, do pass.
SB 71, do pass.
SB 93, do pass.

FISH AND GAME (Fielder, Chair): 2/21/2019
SB 222, introduced bill, be amended as follows:

1. Page 2, line 23.
Strike: "except as provided in 37-47-201(4)(c)(ii),"

2. Page 2, line 24.
Following: "services."
Insert: "A description is not required for the use of private lands that allow unrestricted public access and are managed under cooperative agreements with adjacent public lands."

And, as amended, do pass.

SB 256, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "inspection may"
Insert: ", after validating and attaching the license or tag in accordance with 87-6-411,"

2. Page 1, line 20.
Following: "the kill"
Insert: ", provided a statement of possession has been completed"

3. Page 1, line 22.
Following: "possession"
Insert: ", and must accompany the carcass or portion of carcass presented for inspection"

And, as amended, do pass.

SJ 6, introduced joint resolution, be amended as follows:

1. Title, line 5 through line 6.
Strike: "INTRODUCE" through "LEGISLATION"
Insert: "WORK"

2. Title, page 1, line 6.
Following: "MONTANA'S"
Insert: "RECOVERED"
Strike: "POPULATION"
Insert: "POPULATIONS"

3. Title, line 7.
Following: "MONTANA"
Insert: "AND INITIATE FURTHER REVIEW OF MONTANA'S GRIZZLY BEAR POPULATIONS THAT MEET THE CRITERIA FOR DELISTING"

4. Page 1, line 19 through line 21.
Strike: line 19 through line 21 in their entirety

5. Page 2, line 1 through line 9.
Strike: line 1 through line 9 in their entirety
Insert: "WHEREAS, Montana has established a strong, effective track record in managing grizzly bears and developed an approved management plan for the Yellowstone distinct population segment that provides for the continued presence and genetic future of grizzly bears on the landscape; and"

6. Page 2, line 14.
Following: "WHEREAS, "
Insert: "congressional action is needed to support a full recovery of distinct population segments while"

7. Page 2, line 16 through line 19.
Strike: line 16 through line 19 in their entirety

8. Page 2, line 20.
Following: line 19
Insert: "WHEREAS, the continued cycle of delisting and relisting creates a significant loss of social tolerance among Montanans who are adversely impacted by the continued expansion of grizzly bears; and

WHEREAS, the state of Montana has been at the vanguard of wildlife conservation since the 19th century, providing the template for what is known as the North American model of fish and wildlife conservation."

9. Page 2, line 23.
Following: "populations"
Insert: "in the Greater Yellowstone Grizzly Bear Recovery Zone and the Northern Continental Divide Grizzly Bear Recovery Zone"

10. Page 2, line 24.
Following: "Act,"
Strike: remainder of line 24
Insert: "due to U.S. Fish and Wildlife Service determinations and adopted management plans."

11. Page 2, line 27.
Strike: "rangewide"
Insert: "in other recovery zones including the Cabinet-Yaak Grizzly Bear Recovery Zone due to public safety and economic challenges"

12. Page 2, line 28 through line 30.
Strike: line 28 through line 30 in their entirety
Insert: "BE IT FURTHER RESOLVED, that the Montana Legislature supports the efforts of the Department of Fish, Wildlife, and Parks to intervene on the side of the U.S. Fish and Wildlife Service to restore management authority of the Yellowstone distinct population segment to Montana."

13. Page 3, line 3.
Following: "Zone"
Insert: "and other grizzly bear recovery zones"

14. Page 3, line 5 through line 6.
Following: "Delegation"
Strike: remainder of line 5 through line 6
Insert: "to sufficiently fund the U.S. Fish and Wildlife Service so the agency is able to adequately manage grizzly bears until delisting.

BE IT FURTHER RESOLVED, that the Montana Legislature encourage the U.S. Fish and Wildlife Service to revisit recovery plans for the Cabinet-Yaak and Bitterroot distinct population segments to include the latest science related to genetic connectivity and population targets."

And, as amended, do pass.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/21/2019
SB 224, introduced bill, be amended as follows:

1. Page 1, line 13.
Strike: "$500"
Insert: "$80"

And, as amended, do pass.

SB 248, do pass.
SB 260, do pass.
SB 268, introduced bill, be amended as follows:

1. Page 1, line 21 through line 23.
Following: ""remember those who serve""
Strike: "and state" on line 21 through "Smith" on line 23

2. Page 1, following line 23.
Insert: "(3) (a) The department shall design and install a memorial plaque at a location along the medal of honor highway with the names of the Montanans who have earned the medal of honor. These Montanans are William Galt, John McLennon, John Moran, Laverne Parrish, Leo Powers, Donald Ruhl, Henry Schauer, and Cornelius Smith.
(b) The legislature intends that the names of future medal of honor recipients be added to the memorial plaque."
Renumber: subsequent subsection

And, as amended, do pass.

JUDICIARY (Regier, Chair): 2/22/2019
SB 261, do pass.
SB 262, introduced bill, be amended as follows:

1. Page 1, line 9.
Following: "**age**"
Insert: "**by a peace officer**"

2. Page 1, line 10.
Following: "collected"
Insert: "by a peace officer"

3. Page 1, line 12.
Following: "parent or"
Insert: "legal"

4. Page 1, line 16.

Following: "part of"
Strike: remainder of line 16
Insert: "Title 46, chapter 5, part 4, and the provisions of Title 46, chapter 5, part 4, apply to [section 1]."

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 22, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Friday, February 22, 2019, I signed the following bill:

Senate Bill 11 - Salomon

The bill has been delivered to the Secretary of State's Office.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 2/21/2019

SB 83, introduced by S. Fitzpatrick

House bills passed and transmitted to the Senate for concurrence: 2/21/2019

HB 276, introduced by G. Hertz
HB 325, introduced by M. Regier
HB 328, introduced by A. Redfield
HB 357, introduced by M. Regier

HB 444, introduced by G. Custer

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 309, introduced by S. Malek, referred to State Administration.
SB 310, introduced by R. Osmundson, D. Ankney, M. Blasdel, S. Sales, C. Smith, F. Thomas, G. Vance, referred to State Administration.
SB 311, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 312, introduced by J. Small, F. Thomas, referred to Judiciary.
SB 313, introduced by N. McConnell, referred to Judiciary.
SB 314, introduced by N. McConnell, referred to Local Government.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 16, introduced by A. Olszewski, R. Osmundson, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

HB 276, introduced by G. Hertz, referred to Natural Resources.
HB 325, introduced by M. Regier, Skees, referred to Judiciary.
HB 328, introduced by A. Redfield, referred to Natural Resources.
HB 357, introduced by M. Regier, Skees, referred to Judiciary.
HB 444, introduced by G. Custer, D. Harvey, L. Jones, R. Lynch, R. Shaw, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 182 - Senator Bogner moved **SB 182** do pass.

SB 182 - Senator D. Brown moved **SB 182**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "ANNUAL PRODUCTION;"
Insert: "PROVIDING FOR ANNUAL PRODUCTION REPORTING REQUIREMENTS;"
Strike: "SECTION"

Insert: "SECTIONS"
Following: "16-4-310"
Insert: "AND 16-4-311"

2. Page 1, line 14.
Following: line 13
Insert: "Section 2. Section 16-4-311, MCA, is amended to read:

"16-4-311. Distillery license. (1) The department may, upon receipt of an application, issue a distillery license to a person who is authorized under the provisions of the Federal Alcohol Administration Act, 27 U.S.C. 201 through 212, to distill, rectify, bottle, and process liquor. A licensee may import, manufacture, distill, rectify, blend, denature, and store spirits of an alcoholic content greater than 0.5% alcohol by volume for sale to the department or as provided in 16-4-312 and may transport the liquor out of this state for sale outside this state. Distillery licensees must be permitted to purchase, from and through the department, alcoholic beverages for blending and manufacturing purposes upon terms and conditions that the department may provide. A licensee may not sell any alcoholic beverage within this state except to the department or as provided in 16-4-312.

(2) An agricultural producer or association of agricultural producers or legal agent who manufactures and converts agricultural surpluses, byproducts, or wastes into denatured ethyl and industrial alcohol for purposes other than human consumption is not required to obtain a distillery license from the department.

(3) (a) A distillery producing less than 25,000 gallons of product annually may deliver its product directly to a state agency liquor store if the distillery uses the distillery's own equipment, trucks, and employees to deliver the product. The amount of product delivered may not be less than a case. The department shall create an electronic reporting system for distilleries to record deliveries made under this subsection (3). Agency liquor stores must be invoiced by the department for product received from a distillery.

(b) A distillery delivering its product pursuant to this subsection (3) shall maintain records of each delivery, subject to inspection by the department.

(c) The department shall pay the distillery for any product delivered to an agency liquor store:

(i) the current freight rate; and

(ii) the distiller's current quoted price per case.

<u>(4) The department shall create and implement an electronic reporting system for microdistilleries to record annual production. The electronic reporting system must automatically report production to the department to ensure annual production limits specified in 16-4-310 are not exceeded. The electronic reporting system is in addition to reporting requirements of 16-1-424, and the department may make an examination of the distillery's books and premises to otherwise check compliance with production limits.</u>""

Amendment **failed** as follows:

Yeas: Blasdel, Brown, Ellsworth, Esp, Fitzpatrick, Hoven, Howard, Keenan, Lang, Olszewski, Regier, Salomon, Sands, Smith C, Tempel, Vance, Webb, Webber, Mr President.
Total 19

Nays: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Sesso, Small, Smith F, Thomas, Vuckovich, Welborn.
Total 31

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 182 - The Senate reverted to the original motion of Senator Bogner which passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Brown, Cuffe, Esp, Howard, Keenan, Olszewski, Smith C, Tempel.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 234 - Senator Fitzpatrick moved **SB 234** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 34

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Vuckovich, Webber.

Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 252 - Senator Ankney moved **SB 252** do pass.

SB 252 - Senator Pomnichowski moved **SB 252**, second reading copy, be amended as follows:

1. Page 1, line 12 through line 13.
Strike: "maintain" on line 12 through "operations" on line 13
Insert: "generate power"

2. Page 1, line 13.
Following: "air"
Insert: "and water"

3. Page 1, line 15.
Following: "(1)(a)" on line 15
Insert: ", except that a fuel transport and supply system for the facility may be subject to department review and conditions pursuant to 75-20-219"

Amendment **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 252 - The Senate reverted to the original motion of Senator Ankney which passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 40

Nays: Barrett, Boland, Cohenour, Ellis, Flowers, MacDonald, Phillips, Pomnichowski, Sands, Webber.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Final vote includes change of vote from No to Yes by Senator Gross under Order of Business 9, Motions.

SB 199 - Senator Richmond moved **SB 199** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 35

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, Malek, McConnell, McNally, Phillips, Pomnichowski, Sands, Webber.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 60 - Senator Salomon moved **SB 60** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Hinebauch, Vance, Mr President.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 158 - Senator Vance moved **SB 158** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Howard, Smith F, Tempel.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 213 - Senator McClafferty moved **SB 213** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally,

Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 220 - Senator K. Regier moved **SB 220** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Bennett, Gross.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 73 - Senator Osmundson moved **HB 73** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Hinebauch, Vance, Mr President.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 94 - Senator Flowers moved **HB 94** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 142 - Senator Barrett moved **SB 142** do pass. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 24

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 26

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 142 - Majority Leader Thomas moved **SB 142** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 21 - Senator R. Webb moved **SB 21** do pass.

SB 21 - Senator Esp moved **SB 21**, second reading copy, be amended as follows:

1. Page 2, line 19.
Following: "(2)"
Insert: "(a)"

2. Page 2.
Following: line 20
Insert: "(b) The owner or operator of a tanning facility may allow a minor to use a tanning device with written permission from the minor's parent or legal guardian, provided that the parent or legal guardian accompanies the minor to the minor's first visit to the tanning facility."

Amendment **failed** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier,

Hinebauch, Hoven, Howard, Kary, Lang, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Tempel, Thomas, Vance, Mr President.
Total 25

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gillespie, Gross, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Vuckovich, Webb, Webber, Welborn.
Total 25

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 21 - Senator Howard moved **SB 21**, second reading copy, be amended as follows:

1. Page 2, line 19.
Following: "(2)"
Insert: "(a)"

2. Page 2.
Following: line 20
Insert: "(b) The owner or operator of a tanning facility may allow a minor to use a tanning device with the written and notarized consent of the minor's parent or legal guardian."

Amendment **failed** as follows:

Yeas: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Olszewski, Osmundson, Regier, Salomon, Tempel, Thomas, Vance, Mr President.
Total 18

Nays: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith C, Smith F, Vuckovich, Webb, Webber, Welborn.
Total 32

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 21 - The Senate reverted to the original motion of Senator R. Webb which passed as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 27

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Thomas, Vance, Welborn, Mr President.
Total 23

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Brown, Esp, Hinebauch, Olszewski, Mr President.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Phillips moved that **SB 187** be taken from the Fish and Game Committee and placed on second reading. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 24

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 26

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hoven moved that **SB 238** be taken from the Judiciary Committee and placed on second reading. Motion **failed** as follows:

Yeas: Ankney, Barrett, Fitzpatrick, Gauthier, Gillespie, Hoven, Jacobson, Lang, Malek, Olszewski, Phillips, Regier, Richmond, Salomon, Smith F, Vuckovich, Webb.
Total 17

Nays: Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gross, Hinebauch, Howard, Kary, Keenan, MacDonald, McClafferty, McConnell, McNally, Osmundson, Pomnichowski, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webber, Welborn, Mr President.
Total 33

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Senator Gross moved to change her second-reading vote on **SB 252** from No to Yes. Without objection, so ordered.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 315, introduced by S. Sales, referred to Finance and Claims.
SB 316, introduced by R. Webb, referred to Natural Resources.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 198 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 225 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas,

Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Brown, Hinebauch, Howard, Kary, Smith C, Vance, Mr President.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 243 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 9 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 56 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 57 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Webb, Webber, Welborn.
Total 41

Nays: Blasdel, Cuffe, Fielder, Hinebauch, Lang, Smith C, Vance, Vuckovich, Mr President.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 65 concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McConnell, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 38

Nays: Barrett, Cohenour, Gross, MacDonald, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 92 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 220 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 114 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 39

Nays: Blasdel, Brown, Ellsworth, Esp, Hinebauch, Kary, Keenan, Smith C, Vance, Welborn, Mr President.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

ANNOUNCEMENTS

Senator Bogner arose on a point of privilege and corrected information he presented during the second-reading discussion of **SB 182**.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 Monday, February 25, 2019, the fortieth legislative day. Motion carried.

Senate adjourned at 3:05 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana
February 23, 2019

Senate Chambers
State Capitol

Senate did not meet in session this date.

SENATE JOURNAL
66TH LEGISLATURE
FORTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 25, 2019 — State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Salomon. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/25/2019
Correctly printed: **SB 21**, **SB 53**, **SB 60**, **SB 71**, **SB 93**, **SB 158**, **SB 182**, **SB 195**, **SB 199**, **SB 213**, **SB 220**, **SB 230**, **SB 234**, **SB 248**, **SB 252**, **SB 260**, **SB 261**, **SB 271**, **SB 278**, **SB 288**, **SB 309**, **SB 310**, **SB 311**, **SB 312**, **SB 313**, **SB 314**, **SB 315**, **SB 316**, **SJ 16**, **HB 73**, **HB 94**.
Correctly engrossed: **SB 48**, **SB 200**, **SB 201**, **SB 257**, **SB 296**.
Transmitted to the House: **SB 114**, **SB 198**, **SB 225**, **SB 243**, **SJ 9**, **HB 56**, **HB 57**, **HB 65**, **HB 92**, **HB 220**.
Signed by the Secretary of the Senate at 3:40 p.m., February 22, 2019: **SB 39**, **SB 54**, **SB 75**, **SB 83**, **SB 94**.
Signed by the Secretary of the Senate at 3:47 p.m., February 22, 2019: **SR 11**, **SR 12**, **SR 30**.
Signed by the President at 11:50 a.m., February 25, 2019: **SB 39**, **SB 54**, **SB 75**, **SB 83**, **SB 94**.
Signed by the President at 12:30 p.m., February 25, 2019: **SR 11**, **SR 12**, **SR 30**.
Signed by the Speaker at 4:00 p.m., February 25, 2019: **SB 39**, **SB 54**, **SB 75**, **SB 83**, **SB 94**.
Delivered to the Secretary of State at 3:30 p.m., February 25, 2019: **SR 11**, **SR 12**, **SR 30**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 2/25/2019
SB 253, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Following: "LAWS;"
Insert: "REVISING THE TAX LIEN AND TAX DEED PROCESS FOR RESIDENTIAL PROPERTY WITH A DWELLING;"

2. Title, page 1, line 11.
Strike: "IF"
Insert: "OF"

3. Title, page 1, line 11 through line 12.
Strike: "INCLUDES" on line 11 through "STRUCTURE" on line 12

4. Title, page 1, line 16 through line 17.
Strike: "REPEALING" on line 16 through "MCA;" on line 17

5. Page 1, line 20.

Insert: "NEW SECTION. **Section 1. Application for tax deed for residential property -- fee -- notice.** (1) (a) If a property tax lien attached to class four residential property with a dwelling is not redeemed in the time allowed under 15-18-111, the assignee may file an application with the county treasurer for a tax deed for the property. The deed application must contain the same information as is required in a tax lien certificate under 15-17-125 and an assignment certificate under 15-17-323, except the description of the property must be the full legal description. The county treasurer shall charge the assignee a $25 application fee. The fee must be deposited in the county general fund.

(b) If the tax deed application is made by the county as provided in subsection (3), no application fee may be charged.

(2) (a) An assignee who applies for a tax deed for class four residential property with a dwelling shall pay the county treasurer at the time of the tax deed application:

(i) the amount required to redeem any outstanding tax liens, penalties, and interest on the property;

(ii) any delinquent taxes, penalties, and interest;

(iii) current taxes due for the property; and

(iv) the cost of recording the notice of a tax deed application.

(b) The assignee shall also pay within 30 days of notice by the county treasurer the costs required to bring the property to sale, including costs for property information searches, mailing costs, and costs of resale, if applicable.

(3) If no assignment has been made, the board of county commissioners may, by resolution, direct the county treasurer to file an application for a tax deed.

(4) (a) The county treasurer shall have the county clerk and recorder record a notice of the tax deed application, which constitutes notice of the pendency of the tax deed application with respect to the property and remains effective for 1 year from the date of the recording.

(b) A person acquiring an interest in the property after the tax deed application notice has been recorded is considered to be on notice of the pending tax deed sale, and no additional notice is required. The sale of the property automatically releases any recorded notice of tax deed application for the property.

(c) If the property is redeemed, the county treasurer shall record a release of the notice of tax deed application.

(5) Upon application for a tax deed, the county treasurer shall contract with a title company or an abstract company for purposes of determining the names and addresses of the persons required to be noticed of a pending public auction. Notice must be given to the owner of record of the property, the current occupant, if any, and to each party, other than a utility that has an interest or possible claim of an interest in the property and would be necessary to name in a quiet title action. The cost of the report must be included in the costs required to bring the property to sale.

(6) The county treasurer shall give notice to the persons identified in subsection (5). The notice must be in the form provided by 15-18-215 and be made by certified mail, return receipt requested. The cost of providing notice must be included in the costs required to bring the property to sale."

Renumber: subsequent sections

6. Page 1, line 22.

Strike: "15-18-211"
Insert: "[section 1]"

7. Page 1, line 26 through line 27.
Strike: "or" on line 26 through "applicable" on line 27

8. Page 1, line 28.
Strike: "a property" through "structure"
Insert: "the property"

9. Page 1, line 29.
Following: "equal to"
Insert: "the sum of"

10. Page 2, line 1.
Strike: "and"

11. Page 2, line 2 through line 3.
Strike: "15-18-211(2)(a)" on line 2 through "15-18-211(2)(b)" on line 3
Insert: "[section 1(2)]"

12. Page 2, line 3.
Strike: "."
Insert: "; and"

13. Page 2, line 4 through line 5.
Strike: "(c)" on line 4 through "plus" on line 5
Insert: "(iii)"

14. Page 2, line 6.
Strike: "or structure"

15. Page 2, line 14 through line 15.
Strike: ", if the" on line 14 through "structure," on line 15

16. Page 2, line 15.
Strike: "improvement"
Insert: "dwelling"

17. Page 2, line 23.
Strike: "or structure"

18. Page 2, line 24.
Strike: "2(3)"
Insert: "3(3)"

19. Page 2, line 25.
Strike: "2(3)"
Insert: "3(3)"

20. Page 2, line 27.
Following: "section"
Strike: "2"
Insert: "3"

21. Page 3, line 5.
Strike: "15-18-211(2)"
Insert: "[section 1]"

22. Page 3, line 14.
Following: "auction"
Insert: "pursuant to [section 2]"

Strike: "1(6)"
Insert: "2(6)"

23. Page 3, line 20.
Strike: "15-18-211(2)"
Insert: "[section 1(2)]"

24. Page 3, line 22.
Strike: "1(3)(d)"
Insert: "2(3)(d)"

25. Page 3, line 23.
Strike: "15-18-212(1)"
Insert: "[section 1(6)]"

26. Page 3, line 24.
Strike: "15-18-212(1),"
Insert: "[section 1(6)]"

27. Page 4, line 2.
Following: "section"
Strike: "1"
Insert: "2"

28. Page 4, line 5.
Strike: "15-18-212,"
Insert: "[section 1]"

29. Page 5, line 22.
Strike: the first ": $"

30. Page 6, line 19.
Strike: "15-18-212"
Insert: "[section 1]"

31. Page 6, line 29.
Strike: "15-18-212"
Insert: "[section 1]"

32. Page 8, line 2.
Strike: "15-17-323(1)(b)"
Insert: "15-17-323(1)(b)(ii)"

33. Page 8, line 3.
Strike: "15-17-323"
Insert: "15-17-323(1)(b)"

34. Page 8, line 10.
Strike: "The"
Insert: "Except as provided in subsection (5)(b), the"

35. Page 8, line 12.
Following: "~~paid~~"
Insert: "if taxes currently due for the current tax year have been paid"

36. Page 8, line 15.
Following: line 14
Insert: "(b) The owner of class four residential property with a dwelling may pay delinquent taxes before paying taxes currently due for the current tax year."
Renumber: subsequent subsections

37. Page 8, line 27.
Following: "~~assessed,~~"
Insert: ", other than the person to whom the property is assessed,"

38. Page 9, line 7.
Following: "~~issuance~~"
Insert: "issuance or"

39. Page 9, line 15.
Following: "~~15-18-216~~"
Insert: "upon issuance of a tax lien certificate as required in 15-17-125 and notification that a tax deed may be issued as required by 15-18-212 and 15-18-216"

40. Page 9, line 23.
Following: line 22
Insert: "(c) For property other than class four residential property with a dwelling, the term does not include interest for payments for the following:
(i) postage for certified mailings and certified mailings with return receipt requested;
(ii) a title search, to the extent necessary to identify interested persons entitled to notice of the pending issuance of a tax deed;
(iii) publishing costs for required publications; and
(iv) filing costs for proof of notice."

41. Page 10, line 3 through page 11, line 23.
Strike: section 5 through section 6 in their entirety
Insert: "Section 6. Section 15-17-122, MCA, is amended to read:

"15-17-122. Notice of pending attachment of tax lien. (1) The county treasurer shall publish or post a notice of a pending attachment of a tax lien for:

(a) class four residential property with a dwelling for which delinquent taxes, penalties, and interest exceed $1,000; and

(b) all other property on which taxes are delinquent. (2) The notice must include:

(a) the specific date on which the county will attach a property tax lien ~~to property on which the taxes are delinquent~~; ~~and~~

(b) a statement that the delinquent taxes, including penalties, interest, and costs, are a lien upon the property and that unless the delinquent taxes, penalties, interest, and costs are paid prior to the specified date, a tax lien will be attached and may be assigned or auctioned to a third party;

(c) a statement of the date, location, and rules of the auction to be held to assign tax liens for class four residential property with a dwelling.

~~(2)~~(3) The notice required in subsection ~~(1)~~ (2) must also include a statement that a list of each property on which the taxes are delinquent is on file in the office of the county treasurer and open to inspection. The list must include:

(a) the name and address of the person to whom the delinquent taxes are assessed;

(b) the amounts of the delinquent taxes, all accrued penalties, interest, and other costs; and

(c) a statement that penalties, interest, and costs will be added to delinquent taxes.

~~(3)~~(4) The notice must be given as provided in 7-1-2121. The notice must be first published or posted on or before the last Monday in June.

~~(4)~~(5) The provisions of this section do not apply to property for which delinquent property taxes have been suspended or canceled under the provisions of Title 15, chapter 24, part 17.""
Insert: "Section 7. Section 15-17-125, MCA, is amended to read:

"15-17-125. Attachment of tax lien and preparation of tax lien certificate. (1) (a) The county treasurer shall attach a tax lien no later than the first working day in August to properties ~~on which the taxes are delinquent~~ provided for in 15-17-122(1) and for which proper notification was given as provided in 15-17-122 and subsection (4) of this section. Upon attachment of a tax lien, the county is the possessor of the tax lien unless the tax lien is assigned or auctioned pursuant to 15-17-323.

(b) The county treasurer may not attach a tax lien to a property on which taxes are delinquent but for which proper notice was not given.

(2) After attaching a tax lien, the county treasurer shall prepare a tax lien certificate that must contain:

(a) the date on which the property taxes became delinquent or, for class four residential property with a dwelling, the date on which the delinquent taxes, penalties, and interest exceeded $1,000;

(b) the date on which a property tax lien was attached to the property;

(c) the name and address of record of the person to whom the taxes were assessed;

(d) a description of the property on which the taxes were assessed;

(e) a separate listing of the amount of the delinquent taxes, penalties, interest, and costs;

(f) a statement that the tax lien certificate represents a lien on the property that may lead to the issuance or auction of a tax deed for the property;

(g) a statement specifying the date on which the county or an assignee will be entitled to a tax deed or, for class four residential property with a dwelling, the date on which an assignee may apply for a tax deed; and

(h) an identification number corresponding to the tax lien certificate.

(3) The tax lien certificate must be signed by the county treasurer. A copy of the tax lien certificate must be filed by the treasurer in the office of the county clerk. A copy of the tax lien certificate must also be mailed to the person to whom the taxes were assessed, at the address of record, together with a notice that the person may contact the county treasurer for further information on property tax liens.

(4) Prior to attaching a tax lien to the property, the county treasurer shall send notice of the pending attachment of a tax lien to the person to whom the property was assessed. The notice must include the information listed in subsection (2), state that the tax lien may be assigned to a third party, and provide notice of the availability of all the property tax assistance programs available to property taxpayers, including the property tax assistance programs under Title 15, chapter 6, part 3, and the residential property tax credit for the elderly under 15-30-2337 through 15-30-2341. The notice must have been mailed at least 2 weeks prior to the date on which the county treasurer attaches the tax lien.

(5) The county treasurer shall file the tax lien certificate with the county clerk and recorder.""

42. Page 11, line 30.
Following: "~~delinquency.~~"
Insert: "Except as provided in subsection (1)(b), a tax lien certificate or other official record in which the county is listed as the possessor of the tax lien must be assigned by the county treasurer to any person who, after providing proof of mail notice to the person to whom the property was assessed, as required by subsection (5), pays to the county the amount of the delinquent taxes, including penalties, interest, and costs, accruing from the date of delinquency.

(b) (i)"

43. Page 12, line 1.
Following: "possessor"
Insert: "for class four residential property with a dwelling"

44. Page 12, line 3.
Strike: "(1)(b)"
Insert: "(1)(b)(ii)"

45. Page 12, line 4.
Following: "and interest rate bid."
Insert: "The interest rate bid may not exceed 11%."

46. Page 12, line 5.
Strike: "(b)"
Insert: "(ii)"

47. Page 12, line 9.
Following: "~~assessed~~"
Insert: "seeks the assignment and provides proof of mail notice to the person to whom the property was assessed or"

48. Page 12, line 22.
Following: "~~obtain~~"
Insert: "obtain or"

49. Page 13, line 16.
Following: line 15
Insert: "(5) Prior to making a payment under subsection (1)(a), a person shall send notice of the proposed payment, by certified mail, to the person to whom the property was assessed. The notice must have been mailed at least 2 weeks prior to the date of the payment but not earlier than August 15. The person making the payment shall provide proof of the mailing.

(6) The notice must be in the following form:

NOTICE OF PENDING ASSIGNMENT
(Pursuant to 15-17-125 and 15-17-323, MCA)

THIS NOTICE IS VERY IMPORTANT with regard to the tax lien, which ..... County holds on the following property. If the delinquent taxes are not paid by ....., an assignment of the tax lien will be purchased. THIS COULD RESULT IN THE LOSS OF YOUR PROPERTY LISTED BELOW.

Please contact the ..... County Treasurer at (406) ..... with questions or to pay the delinquent taxes.

(Required Information):
Owner of record .....
Mailing address .....
Legal description .....
Parcel number .....
Geocode(s) .....
Date of notice .....
.....
Signature of interested assignee

.....
Printed name of interested assignee"
Renumber: subsequent subsections

50. Page 13, line 16.
Strike: "(1)"
Insert: "(1)(b)"

51. Page 14, line 13.
Strike: "15-17-323"
Insert: "15-17-323(1)(b)"

52. Page 14, line 27.
Strike: "15-17-323"
Insert: "15-17-323(1)(b)"

53. Page 15, line 23.
Following: "~~15-18-211~~"
Insert: "15-18-211 or"
Following: "section"
Strike: "1"
Insert: "2"

54. Page 15, line 25 through page 18, line 28.
Strike: section 10 through section 11 in their entirety
Insert: "Section 11. Section 15-18-211, MCA, is amended to read:

"15-18-211. Tax deed -- fee. (1) Except as provided in [section 1] and subsection (3) of this section, if the property tax lien is not redeemed in the time allowed under 15-18-111, the county treasurer shall grant the assignee a tax deed for the property. The deed must contain the same information as is required in a tax lien certificate under 15-17-125 and an assignment certificate under 15-17-323, except the description of the property must be the full legal description.

(2) (a) Except as provided in subsection (2)(b), the county treasurer shall charge the assignee $25 for making the deed plus all actual costs incurred by the county in giving the notice or assisting an assignee in giving the notice required in 15-18-212. The fee must be deposited in the county general fund.

(b) If the tax deed is issued to the county, no fee may be charged for making the deed.

(c) Reasonable costs incurred by the county in searching the county records to identify persons entitled to notice are considered part of the actual costs of the notice provided in subsection (2)(a).

(3) If no assignment has been made, the county treasurer may not issue a tax deed to the county unless the board of county commissioners, by resolution, directs the county treasurer to issue a tax deed.

(4) Deeds issued to assignees or the county must be recorded by the county clerk as provided in Title 7, chapter 4, part 26, except that when the county is issued the tax deed, the county clerk may not charge a fee for recording the deed.""

Insert: "Section 12. Section 15-18-212, MCA, is amended to read:

"15-18-212. Notice -- proof of notice -- penalty for failure to notify. (1) Between May 1 and May 30 of the year in which the redemption period expires, a notice must be given as follows:

(a) for each property other than class four residential property with a dwelling for which the county attached a tax lien and has not assigned the tax lien, the county treasurer shall notify the parties as required in subsection (4) that a tax deed may be issued to the county unless the property tax lien is redeemed prior to the expiration date of the redemption period; or

(b) for each property other than class four residential property with a dwelling for which the county attached a tax lien and assigned the tax lien pursuant to 15-17-323, the assignee shall notify the parties as required in subsection (4) that a tax deed will be issued to the assignee unless the property tax lien is redeemed prior to the expiration date of the redemption period.

(2) (a) Except as provided in subsection (2)(b), if the county is the possessor of the tax lien, an assignment has not been made, and the board of county commissioners has not directed the county treasurer to issue a tax deed during the period described in subsection (1) but the board of county commissioners at a time subsequent to the period described in subsection (1) does direct the county treasurer to issue a tax deed, the county treasurer shall provide notification to the parties as required in subsection (4) in the manner provided in subsection (1)(a). The notification required under this subsection must be made not less than 60 days or more than 120 days prior to the date on which the county treasurer will issue the tax deed.

(b) If the county commissioners direct the county treasurer to issue a tax deed within 6 months after giving the notice required by subsection (1)(a), additional notice need not be given.

(3) (a) The county treasurer shall notify the assignee of the obligation to give notice under subsection (1)(b) between January 1 and January 31 of the year in which the redemption period expires. The notice of obligation may be sent by certified mail, return receipt requested, to the assignee at the address contained on the assignment certificate provided for in 15-17-323.

(b) If the assignee fails to give notice as required by subsection (1)(b), as evidenced by failure to file proof of notice with the county clerk and recorder as required in subsection (7), the county treasurer shall cancel the property tax lien evidenced by the tax lien certificate and the assignment certificate. Upon cancellation of the property tax lien, the county treasurer shall file with the county clerk and recorder a notice of cancellation on a form provided for in 15-18-217.

(4) (a) The notice required under subsections (1) and (2) must be in the form required by 15-18-215 and be made by certified mail, return receipt requested, to ~~the current occupant, if any, of the property and to~~ each party, other than a utility, listed on a litigation guarantee, provided that the guarantee:

(i) has been approved by the insurance commissioner and issued by a licensed title insurance producer;

(ii) was ordered on the property by the person required to give notice; and

(iii) lists the identities and addresses of the parties of record that have an interest or possible claim of an interest in the property designed to disclose all parties of record that would otherwise be necessary to name in a quiet title action.

(b) The address to which the notice must be sent is, for each party, the address disclosed by the records in the office of the county clerk and recorder or in the litigation guarantee and, for the occupant, the street address or other known address of the subject property.

(5) The person required to give notice shall, within the period described in subsection (1), give notice as provided in 7-1-2121 and in the form required by 15-18-215.

(6) The amount of interest and costs continues to accrue until the date of redemption. The total amount of interest and costs that must be paid for redemption must be calculated by the county treasurer as of the date of payment.

(7) Proof of notice must be given as provided in 15-18-216 and must be filed with the county clerk and recorder. An assignee must file proof of notice with the county clerk and recorder within 30 days of the mailing or publishing of the notice. If the county is the possessor of the tax lien, the proof of notice must be filed before the issuance of the tax deed under this chapter. Once filed, the proof of notice is prima facie evidence of the sufficiency of the notice.

(8) A county or any officer of a county may not be held liable for any error of notification."
"

55. Page 19, line 4.
Following: "~~assignee's~~"
Insert: "assignee or assignee's agent,"

56. Page 19, line 5.
Following: "~~lien~~"
Insert: ", or county that is the possessor of the tax lien"

57. Page 19, line 14.
Following: "~~issuance~~"
Insert: "issuance or"

58. Page 19, line 19.
Following: "~~assignee's~~"
Insert: "assignee or assignee's agent,"
Following: "~~lien~~"
Insert: ", or county that is the possessor of the tax lien"

59. Page 20, line 1.
Following: "~~issuance~~"
Insert: "issuance or"

60. Page 20, line 23.
Following: "**issue.**"
Insert: "(1)"
Strike: "Section 15-18-212"
Insert: "[Section 1]"

61. Page 20, line 30.
Strike: "section 15-18-212"
Insert: "[section 1]"

62. Page 21.
Following: line 30

Insert: "(2) Section 15-18-212 requires that notice be given to all persons considered interested parties of property that may be lost to a tax deed. The notice must be made as follows:

NOTICE THAT A TAX DEED MAY BE ISSUED

IF YOU DO NOT RESPOND TO THIS NOTICE, YOU WILL LOSE YOUR PROPERTY.

TO:..... .....

(Name) (Address, when unknown, so state)

Pursuant to section 15-18-212, Montana Code Annotated, NOTICE IS HEREBY GIVEN:

1. As a result of a property tax delinquency, a property tax lien exists on the following described real property in which you may have an interest:

2. The property taxes became delinquent on ..... .

3. The property tax lien was attached on ..... .

4. The lien was subsequently assigned to ..... (if applicable).

5. As of the date of this notice, the amount of tax due is:

TAXES: .....

PENALTY: .....

INTEREST: .....

COST: .....

TOTAL: .....

6. For the property tax lien to be liquidated, the total amount listed in paragraph 5 must be paid by ....., which is the date that the redemption period expires or expired.

7. If all taxes, penalties, interest, and costs are not paid to the COUNTY TREASURER on or prior to ....., which is the date the redemption period expires, a tax deed may be issued to the assignee or county that is the possessor of the tax lien on the day following the date that the redemption period expires.

8. The business address and telephone number of the county treasurer who is responsible for issuing the tax deed is: ..... County Treasurer, ... (Address), ... (Telephone).

FURTHER NOTICE FOR THOSE PERSONS LISTED
ABOVE WHOSE ADDRESSES ARE UNKNOWN:

1. The address of the interested party is unknown.

2. The published notice meets the legal requirements for notice of a pending tax deed issuance.

3. The interested party's rights in the property may be in jeopardy.

DATED at ..... this ..... (Date).

.....

Signature"

63. Page 22, line 5.
Following: "or the"
Insert: "recipient or"
Following: "pursuant to"
Insert: "15-18-211 or"
Following: "section"
Strike: "1"
Insert: "2"

64. Page 23, line 10.
Following: "or the"
Insert: "recipient or"
Following: "pursuant to"
Insert: "15-18-211 or"
Following: "section"
Strike: "1"
Insert: "2"

65. Page 23, line 11.
Following: "or the"
Insert: "recipient or"

66. Page 23, line 18.
Following: "or the"
Insert: "recipient or"

67. Page 23, line 20.
Following: "or the"
Insert: "recipient or"

68. Page 23, line 22.
Following: "or the"
Insert: "recipient or"

69. Page 24, line 8.
Following: "~~lien~~"
Insert: "more than 3 years after the applicable attachment of the tax lien or"
Following: "section"
Strike: "1"
Insert: "2"

70. Page 25, line 13.
Following: "~~paid.~~"
Insert: "(5) (a) Subject to subsection (5)(b), if any tax deed or deed purporting to be a tax deed is issued more than 3 years and 30 days after the date of the attachment of the tax lien pursuant to 15-18-211, the grantee may give notice entitled "Notice of Claim of a Tax Title" as provided in 7-1-2121. The notice must:

(i) describe all property claimed to have been acquired by a tax deed;

(ii) contain an estimate of the amount due on the property for delinquent taxes, interest, penalties, and costs;

(iii) contain a statement that for further specific information, reference must be made to the records in the office of the county treasurer;

(iv) list the name and address of record of the person in whose name the property was assessed or taxed; and

(v) contain a statement that demand is made that the true owner shall, within 30 days after the later of service or the first publication of the notice, pay to the county treasurer for use by the claimant the amount of taxes, interest, penalties, and costs as the same appear in the records of the county treasurer to redeem the property or the true owner may bring a suit to quiet the true owner's title or to set aside the tax deed.

(b) The notice described in subsection (5)(a) must be served on a taxpayer whose name and address are reasonably ascertainable.

(6) (a) Provided that the statutory requirements for a notice of intended issuance of a tax deed required by 15-18-212 have been complied with and if within the 30-day period the taxes, interest, penalties, and costs are not paid or a quiet title action is not brought, all defects in the tax proceedings and any right of redemption are considered waived. Except as provided in subsection (6)(b), after the 30-day period, the title to the property described in the notice and in the tax deed is valid and binding, irrespective of any irregularities, defects, or omissions in any of the provisions of the laws of Montana regarding the assessment, levying of taxes, or sale of property for taxes, whether or not the irregularities, defects, or omissions could void the proceedings.

(b) The proceedings in subsection (6)(a) are void if the taxes were not delinquent or have been paid."

71. Page 27, line 7.
Following: "section"
Strike: "2"
Insert: "3"

72. Page 28, line 10 through line 13.
Strike: section 19 in its entirety
Renumber: subsequent sections

73. Page 28, line 15.
Strike: "and 2"
Insert: "through 3"

74. Page 28, line 17.
Strike: "and 2"
Insert: "through 3"

And, as amended, do pass.

SB 276, do pass.
SJ 12, do pass.

LOCAL GOVERNMENT (Lang, Chair): 2/22/2019
SB 200, introduced bill, be amended as follows:

1. Page 1, line 10 through line 21.
Strike: section 1 in its entirety

Insert: "NEW SECTION. **Section 1. Classification of mobile home, manufactured home, or housetrailer -- property records.** A mobile home, manufactured home, or housetrailer that is considered an improvement as defined in 15-1-101 may not be identified as a mobile home in state and local property databases or through the internet unless the distinction is required for property valuation or property tax billing purposes."

2. Page 1, line 24.
Strike: the first "8"
Insert: "1"
Strike: the first "7"
Insert: "1"
Strike: the second "8"
Insert: "1"
Strike: the second "7"
Insert: "1"

And, as amended, do pass.

NATURAL RESOURCES (Welborn, Chair): 2/22/2019
SB 48, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 12.
Strike: "CONSOLIDATING" on line 6 through "DEFINITIONS;" on line 12
Insert: "AND"

2. Title, page 1, line 13 through line 14.
Strike: "; AMENDING" on line 13 through "75-5-313, MCA" on line 14

3. Page 1, line 18 through page 18, line 6.
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Temporary water quality standards variances.** (1) Except as provided in 75-5-222(2) and 75-5-313, the department may adopt rules providing criteria and procedures for the department to issue a temporary variance to water quality standards if:

(a) a variance will not result in a lowering of currently attained, ambient water quality;

(b) the department rules are consistent, as necessary, with federal rules that authorize states to adopt variances from standards, including but not limited to 40 CFR 131.14; and

(c)(i) a permittee cannot reasonably expect to meet a water quality standard during the permit term for which the variance is approved; and

(ii) a permit compliance schedule is not feasible to preclude the need for a variance during the permit term for which the variance is approved.

(2) In order to receive a temporary variance, a permittee shall evaluate facility operations and infrastructure to maximize pollutant reduction through an optimization study. The variance must require the implementation of optimization study actions as terms and conditions of the discharge permit.

(3) The department shall review a temporary variance issued pursuant to this section at

least once every 5 years and may continue, modify, or terminate the temporary variance as a result of the review."
Insert: "NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 75, chapter 5, part 3, and the provisions of Title 75, chapter 5, part 3, apply to [section 1]."
"
And, as amended, do pass.

SB 201, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "LEGISLATIVE INTENT;"
Insert: "PROVIDING FOR CONTINGENT VOIDNESS;"

2. Page 4, line 2.
Following: "Montana, including"
Strike: "obligations for employee pensions and"
Insert: "[obligations for employee pensions and]"

3. Page 8, line 18.
Following: line 17
Insert: "NEW SECTION. **Section 5. Contingent voidness.** If the bracketed language in subsection (1)(g)(iii) as included in [section 2] is invalidated or found to be unconstitutional by a court of competent jurisdiction on its final disposition, then the bracketed language in subsection (1)(g)(iii) as included in [section 2] terminates on the date of the invalidation or the finding of unconstitutionality."

And, as amended, do pass.

SB 257, introduced bill, be amended as follows:

1. Page 1, line 14.
Strike: "13"
Insert: "14"

2. Page 1, line 26.
Following: line 26
Insert: "(ii) the lower Clark Fork River basin;"
Renumber: subsequent subsections

3. Page 1, line 28.
Strike: "Seeley-Swan"
Insert: "Big Blackfoot"

And, as amended, do pass.

SB 264, do pass.
SB 296, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "WASTE OF WATER,"
Following: "USE OF WATER"
Strike: ","

2. Page 1, line 10.
Strike: "waste,"

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/22/2019

SB 63, introduced by D. Sands
SB 77, introduced by M. McNally
SB 175, introduced by D. Howard
SB 196, introduced by D. Sands

Senate bill concurred in and returned to the Senate: 2/23/2019

SB 104, introduced by R. Webb

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
2/22/2019
SB 58, introduced by D. Salomon

House bills passed and transmitted to the Senate for concurrence: 2/22/2019

HB 25, introduced by K. Kelker
HB 177, introduced by F. Anderson
HB 290, introduced by P. Webb
HB 335, introduced by C. Keogh
HB 344, introduced by K. Kelker
HB 370, introduced by B. Beard
HB 382, introduced by M. Caferro
HB 383, introduced by K. White
HB 450, introduced by B. Tschida

HB 481, introduced by W. Galt

House bills passed and transmitted to the Senate for concurrence: 2/23/2019

HB 204, introduced by M. Ryan
HB 211, introduced by L. Jones
HB 231, introduced by C. Knudsen
HB 279, introduced by B. Brown
HB 281, introduced by B. Brown
HB 291, introduced by B. Beard
HB 305, introduced by T. Winter
HB 324, introduced by W. Sales
HB 373, introduced by D. Dunn
HB 397, introduced by M. Regier
HB 461, introduced by C. Keogh

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 317, introduced by M. Lang, referred to Highways and Transportation.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 37, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 38, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

HB 25, introduced by K. Kelker (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Public Health, Welfare and Safety.
HB 177, introduced by F. Anderson, J. Bachmeier, G. Custer, D. Fern, B. Grubbs, J. Kassmier, K. Kelker, W. McKamey, R. Tempel, referred to Education and Cultural Resources.
HB 204, introduced by M. Ryan, M. Funk, referred to State Administration.
HB 211, introduced by L. Jones, D. Bedey, K. Bogner, B. Grubbs, B. Hamlett, D. Salomon, S. Webber, referred to Education and Cultural Resources.
HB 231, introduced by C. Knudsen, Z. Perry, referred to Public Health, Welfare and Safety.
HB 279, introduced by B. Brown, M. Blasdel, D. Dunn, R. Fitzgerald, J. Fuller, W. Galt, G. Hertz, D. Howard, J. Kassmier, C. Knudsen, R. Knudsen, D. Mortensen, B. Tschida, P. Webb, referred to Fish and Game.
HB 281, introduced by B. Brown, referred to Fish and Game.
HB 290, introduced by P. Webb, B. Brown, T. Burnett, D. Dunn, C. Glimm, S. Greef, C. Knudsen, D. Lenz, S. Vinton, R. Webb, referred to Public Health, Welfare and Safety.
HB 291, introduced by B. Beard, D. Bedey, B. Brown, G. DeVries, A. Doane, J. Dooling, D. Dunn,

R. Fitzgerald, F. Fleming, J. Fuller, W. Galt, T. Gauthier, C. Glimm, S. Greef, S. Gunderson, B. Hamlett, S. Hinebauch, L. Jones, D. Kary, J. Keane, C. Knudsen, R. Knudsen, J. Krautter, D. Lenz, D. Loge, F. Mandeville, T. Manzella, F. Moore, D. Mortensen, G. Pierson, J. Read, A. Redfield, K. Regier, V. Ricci, T. Richmond, W. Sales, J. Sesso, R. Shaw, L. Sheldon-Galloway, D. Skees, M. Sweeney, B. Tschida, B. Usher, G. Vance, S. Vinton, G. Vuckovich, P. Webb, R. Webb, T. Welch, K. White, D. Zolnikov, referred to Fish and Game.
HB 305, introduced by T. Winter, W. McKamey, C. Schreiner, referred to State Administration.
HB 324, introduced by W. Sales, referred to Local Government.
HB 335, introduced by C. Keogh, S. Greef, referred to Judiciary.
HB 344, introduced by K. Kelker, referred to Business, Labor, and Economic Affairs.
HB 370, introduced by B. Beard, F. Fleming, C. Knudsen, D. Lenz, T. Moore, B. Usher, referred to Business, Labor, and Economic Affairs.
HB 373, introduced by D. Dunn, referred to Business, Labor, and Economic Affairs.
HB 382, introduced by M. Caferro, referred to Business, Labor, and Economic Affairs.
HB 383, introduced by K. White, referred to Natural Resources.
HB 397, introduced by M. Regier, referred to Fish and Game.
HB 450, introduced by B. Tschida, K. White, referred to Business, Labor, and Economic Affairs.
HB 461, introduced by C. Keogh, referred to Judiciary.
HB 481, introduced by W. Galt, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Barrett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 38 - Senator MacDonald moved **SB 38** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 124 - Senator D. Brown moved **SB 124** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 134 - Senator D. Brown moved **SB 134** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 212 - Senator Webber moved **SB 212** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 215 - Senator R. Webb moved **SB 215** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Esp, Olszewski.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 218 - Senator Fitzpatrick moved **SB 218** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Bennett.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 236 - Senator McNally moved **SB 236** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 254 - Senator Sands moved **SB 254** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 255 - Senator McClafferty moved **SB 255** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Blasdel, Brown, Howard, Kary.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 258 - Senator Cuffe moved **SB 258** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Esp, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.

Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 270 - Senator McNally moved **SB 270** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 274 - Senator Olszewski moved **SB 274** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Cohenour, Gross, Jacobson, Malek, Sesso.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 275 - Senator Olszewski moved **SB 275** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 10 - Senator Bogner moved **SJ 10** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Lang, MacDonald, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Webb, Welborn.
Total 29

Nays: Bennett, Boland, Cohenour, Esp, Gross, Howard, Jacobson, Keenan, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vance, Vuckovich, Webber, Mr President.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 21 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Tempel, Webb, Webber.
Total 26

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Lang, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Welborn, Mr President.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 60 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Hinebauch, Vance, Mr President.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 158 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Howard, Smith F, Tempel.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 182 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 43

Nays: Brown, Esp, Howard, Keenan, Olszewski, Smith C, Tempel.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 199 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Lang, McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, Keenan, MacDonald, Malek, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 213 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven,

Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 220 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Bennett, Cohenour, Gross, Pomnichowski.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 234 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 33

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 252 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 37

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Sands, Webber.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 35 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Bogner, Esp, Fielder, Howard, Smith C.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 73 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Blasdel, Ellsworth, Hinebauch, Keenan, Olszewski, Tempel, Vance, Mr President.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 94 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Smith F.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 278**, previously reported out of committee, be re-referred to the Finance and Claims Committee, Without objection, so ordered.

Majority Leader Thomas moved that **SB 125** be taken from the Finance and Claims Committee and re-referred to the Business, Labor and Economic Affairs Committee. Without objection, so ordered.

Senator Webb moved that **SB 103** be taken from the Energy and Telecommunications Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Gillespie, Hoven, Howard, Olszewski, Regier, Richmond, Webb.
Total 7

Nays: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gross, Hinebauch, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 43

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Cohenour moved that **SB 193** be taken from the Highways and Transportation Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 253**. Without objection, so ordered.

SB 253 (C. Smith, Chief Sponsor)
Senator T. Jacobson, Senator F. Thomas, Representative B. Tschida.

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the coming week:

Clair McAllister from Hot Springs, sponsored by Senator Fielder
Elena McAllister from Hot Springs, sponsored by Senator Fielder
Carsen McQueen from Billings, sponsored by President Sales
Jackson Stapleton from Billings, sponsored by President Sales
Trey Thompson from Libby, sponsored by Senator Cuffe

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1 p.m., Tuesday, February 26, 2019, the forty-first legislative day. Motion carried.

Senate adjourned at 2:19 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FORTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 26, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Ellsworth. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Jacobson and McConnell excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/26/2019
Correctly printed: **SB 38**, **SB 124**, **SB 125**, **SB 134**, **SB 212**, **SB 215**, **SB 218**, **SB 236**, **SB 254**, **SB 255**, **SB 258**, **SB 264**, **SB 270**, **SB 274**, **SB 275**, **SB 276**, **SB 278**, **SB 317**, **SR 37**, **SR 38**, **SJ 10**, **SJ 12**.
Correctly engrossed: **SB 164**, **SB 170**, **SB 178**, **SB 204**, **SB 240**, **SB 253**, **SB 289**, **SB 299**, **SB 301**, **SB 304**.
Correctly enrolled: **SB 63**, **SB 77**, **SB 104**, **SB 175**, **SB 196**.
Transmitted to the House: **SB 21**, **SB 60**, **SB 158**, **SB 182**, **SB 199**, **SB 213**, **SB 220**, **SB 234**, **SB 252**, **HB 35**, **HB 73**, **HB 94**.
Signed by the Secretary of the Senate at 3:45 p.m., February 26, 2019: **SB 63**, **SB 77**, **SB 104**, **SB 175**, **SB 196**.
Signed by the President at 4:30 p.m., February 26, 2019: **SB 63**, **SB 77**, **SB 104**, **SB 175**, **SB 196**.
Delivered to the Governor at 9:35 a.m., February 26, 2019: **SB 39**, **SB 54**, **SB 75**, **SB 83**, **SB 94**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 2/25/2019
SB 164, introduced bill, be amended as follows:

1. Page 1, line 11.
Following: "may"
Insert: "install a device designed to allow an employee to lock or barricade any door when sheltering in place during an emergency response to a threat of school violence and may"
Following: the 2nd "exit"
Insert: "with the device during any emergency response to a threat of school violence"

And, as amended, do pass.

SB 292, do pass.
HB 33, be concurred in.
HB 247, be concurred in.

JUDICIARY (Regier, Chair): 2/26/2019
SB 282, do pass.
SB 286, do pass.
SB 300, do pass.
SB 302, do pass.
SB 304, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "may"
Insert: "voluntarily"

2. Page 1, line 18.
Following: "may"
Insert: "voluntarily"

3. Page 1.
Following: line 20
Insert: "(4) While carrying a concealed handgun pursuant to this section, a person shall also have in the person's possession a valid permit to carry a concealed weapon."

And, as amended, do pass.

SB 308, do pass.

LOCAL GOVERNMENT (Lang, Chair): 2/25/2019
SB 301, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "road"
Insert: "that is under the jurisdiction of a county and"

And, as amended, do pass.

NATURAL RESOURCES (Welborn, Chair): 2/25/2019
SB 299, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "REQUIRING"
Insert: "REVISING"

2. Title, page 1, line 6 through line 7.
Strike: "OF" on line 6 through "REVIEWED" on line 7
Insert: "REQUIREMENTS"

3. Title, page 1, line 9.

Following: "76-22-111,"
Strike: "AND"
Following: "76-22-112,"
Insert: "AND 76-22-118,"

4. Page 1, line 19.
Following: "documents."
Insert: "However, permitting agencies shall apply seasonal use restrictions, as necessary, for discretionary activities at existing land use sites."

5. Page 1, line 28.
Following: "mitigation"
Insert: "reduction or"
Strike: "for tall structures and buried cable"

6. Page 1, line 29 through line 30.
Strike: "If a project" on line 29 through "mitigation if:" on line 30
Insert: "The oversight team shall consider on a case-by-case basis requests for a reduction in or waiver of compensatory mitigation based upon an assessment including but not limited to the following:
(a) the socioeconomic benefit of or service provided by a project that is located at least six-tenths of a mile from the perimeter of an active lek but for which it is economically infeasible to be located more than 2 miles from the center of an active lek;"
Renumber: subsequent subsections

7. Page 2, line 1.
Following: "(a)"
Insert: "whether"
Following: "season;"
Insert: "or"

8. Page 2, line 2 through line 4.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

9. Page 2, line 5.
Following: "(c)"
Insert: "whether"

10. Page 2, line 6.
Strike: ";"
Insert: "."

11. Page 2, line 7 through line 12.
Strike: lines 7 through 12 in their entirety

Insert: "(2) The oversight team shall provide a summary of the reasons why a reduction in or waiver of compensatory mitigation is approved or denied."

12. Page 4, line 12.
Strike: "approve"
Insert: "act upon"

13. Page 4, line 13.
Following: "mitigation"
Insert: "pursuant to [section 2]"

14. Page 4.
Following: line 22
Insert: "(i) work with industry stakeholders to streamline the compensatory mitigation review process, including calculation of reduced mitigation costs for low-impact projects such as trenchless excavation; and
(j) monitor long-term staffing needs to effectively implement this part, as well as the costs and benefits of doing so."

15. Page 7, line 16 through line 29.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

16. Page 8, line 4 through line 5.
Strike: subsection (5) in its entirety
Insert: "(4) A project developer may submit alternative locations for a project to compare the compensatory mitigation requirements of each and choose which alternative to develop based upon that information."

17. Page 8, line 16.
Following: "(2)"
Insert: "(a)"
Strike: "When"
Insert: "During calendar year 2019, when"

18. Page 8, line 17.
Strike: "80%"
Insert: "40%"

19. Page 8.
Following: line 19
Insert: "(b) As part of adaptive management of the habitat quantification tool and compensatory mitigation policies, the oversight team shall evaluate the credit calculation baseline of 40% provided in subsection (2)(a) and determine whether it may be increased."
Insert: "Section 9. Section 76-22-118, MCA, is amended to read:

"76-22-118. Reporting. (1) The oversight team shall report to the governor regularly and provide an annual report to the governor, the environmental quality council, the board of land commissioners, and the county commissions in the counties where projects were funded pursuant to this part. The annual report must include information on activities undertaken pursuant to this part, including but not limited to:

~~(1)~~(a) any appropriation, grant, gift, transfer, bequest, or donation received, including interest in real property;

~~(2)~~(b) each grant awarded and the details of each grant's status and results; and

~~(3)~~(c) any compensatory mitigation activities.

(2) The oversight team shall report to the environmental quality council:

(a) the findings of its review of staffing needs to effectively implement this part, as well as the costs and benefits of doing so, conducted pursuant to 76-22-105(1)(j); and

(b) whether the credit calculation baseline of 40% provided in 76-22-112(2) for perpetual easements may be increased.""

Renumber: subsequent sections

And, as amended, do pass.

HB 30, be concurred in.
HB 44, be concurred in.
HB 58, be concurred in.
HJ 4, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/25/2019
SB 289, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Strike: "CREATING" through "PROVIDE" on line 4
Insert: "PROVIDING"

2. Title, page 1, line 5 through line 7.
Strike: "THE" on line 5 through "AVOID" on line 7
Insert: "SAFE HARBOR FROM"

3. Title, page 1, line 7.
Strike: "PROVIDING RULEMAKING AUTHORITY;"

4. Title, page 1, line 8.
Strike: "AND A TERMINATION DATE"

5. Page 1, line 10 through line 15.
Strike: line 10 through line 15 in their entirety

6. Page 1, line 19 through page 3, line 3.
Strike: section 1 through section 5 in their entirety

Renumber: subsequent sections

7. Page 3, line 14 through line 15.
Strike: "participating" on line 14 through "5]" on line 15
Insert: "seeking or receiving evaluation, treatment, or support services for a substance use disorder"

8. Page 3, line 29 through line 30.
Strike: "participate" on line 29 through "plan" on line 30
Insert: "seek or receive evaluation, treatment, or support services for a substance use disorder"

9. Page 4, line 8.
Strike: section 9 in its entirety

And, as amended, do pass.

TAXATION (Webb, Chair): 2/26/2019
SB 170, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "CONSIDERED" on line 5 through "AMOUNT OF THE CREDIT" on line 6
Insert: "USED TO CALCULATE THE PHASEOUT OF THE EXEMPTION"

2. Title, page 1, line 7.
Strike: "SECTIONS 15-30-2337 AND"
Insert: "SECTION"

3. Page 1, line 12 through page 2, line 21.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 3, line 9.
Strike: "$1,999"
Insert: "$4,999"

5. Page 3, line 10.
Strike: "$2,000 - $2,999"
Insert: "$5,000 - $7,499"

6. Page 3, line 11.
Strike: "$3,000 - $3,999"
Insert: "$7,500 - $9,999"

7. Page 3, line 12.
Strike: "$4,000 - $4,999"

Insert: "$10,000 - $12,499"

8. Page 3, line 13.
Strike: "$5,000 - $5,999"
Insert: "$12,500 - $14,999"

9. Page 3, line 14.
Strike: "$6,000 - $6,999"
Insert: "$15,000 - $17,499"

10. Page 3, line 15.
Strike: "$7,000 - $7,999"
Insert: "$17,500 - $19,999"

11. Page 3, line 16.
Strike: "$8,000 - $8,999"
Insert: "$20,000 - $22,499"

12. Page 3, line 17.
Strike: "$9,000 - $9,999"
Insert: "$22,500 - $24,999"

13. Page 3, line 18.
Strike: "$10,000 - $10,999"
Insert: "$25,000 - $27,499"

14. Page 3, line 19.
Strike: "$11,000 - $11,999"
Insert: " $27,500 - $29,999"

15. Page 3, line 20.
Strike: "$12,000"
Insert: "$30,000"

16. Page 3, line 21.
Strike: "$35,000"
Insert: "$30,000"

17. Page 3, line 22.
Strike: "is equal to the credit"

18. Page 3, line 22 through line 29.
Following: "this section"
Insert: "is reduced by 1% for each $150 increment of gross household income in excess of $30,000."

Strike: "multiplied" on line 22 through "0%" on line 29

19. Page 4, line 1.
Strike: "$1,200"
Insert: "$1,000"

And, as amended, do pass.

SB 178, introduced bill, be amended as follows:

1. Page 1, line 26.
Following: the second "facility"
Strike: the first "and"
Insert: "that:
(a) has"

2. Page 1, line 28.
Following: "chapter 18"
Insert: "; and
(b) employs at least 15 employees in a full-time capacity"

And, as amended, do pass.

SB 204, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "HOMES"
Insert: ", MANUFACTURED HOMES, OR HOUSETRAILERS"

2. Page 1, line 10.
Following: "home"
Insert: ", manufactured home, or housetrailer"

3. Page 1, line 13.
Strike: "on a permanent foundation"
Insert: "determined to be an improvement to real property, as provided in 15-1-101"

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 2/25/2019

SB 20, introduced by R. Webb
SB 25, introduced by M. Blasdel

House bills passed and transmitted to the Senate for concurrence: 2/252019

HB 22, introduced by L. Bishop
HB 224, introduced by R. Shaw
HB 229, introduced by B. Hamlett
HB 314, introduced by T. Woods
HB 363, introduced by L. Bishop
HB 407, introduced by B. Brown
HB 413, introduced by F. Anderson
HB 428, introduced by S. Morigeau
HB 434, introduced by L. Sheldon-Galloway
HB 440, introduced by D. Loge
HB 463, introduced by M. Regier
HB 471, introduced by M. Dunwell
HB 473, introduced by D. Lenz
HB 487, introduced by D. Skees

House joint resolution passed and transmitted to the Senate for concurrence: 2/25/2019

HJ 13, introduced by D. Dunn

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 318, introduced by R. Webb, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 22, introduced by L. Bishop (by request of the Energy and Telecommunications Interim Committee), referred to Energy and Telecommunications.
HB 224, introduced by R. Shaw, referred to Fish and Game.
HB 229, introduced by B. Hamlett, K. Abbott, D. Ankney, B. Brown, Z. Brown, A. Doane, M. Dunwell, N. Duram, D. Fern, R. Fitzgerald, W. Galt, B. Gillespie, S. Hinebauch, B. Hoven, T. Jacobson, L. Jones, J. Keane, R. Lynch, B. Mercer, S. Morigeau, A. Olszewski, R. Peppers, T. Richmond, T. Runningwolf, S. Sales, C. Schreiner, R. Shaw, J. Small, B. Smith, C. Smith, S. Stewart Peregoy, R. Tempel, G. Vance, G. Vuckovich, M. Weatherwax, S. Webber, J. Welborn, K. White, J. Windy Boy, referred to Natural Resources.
HB 314, introduced by T. Woods, D. Zolnikov, referred to Energy and Telecommunications.
HB 363, introduced by L. Bishop, A. Redfield, referred to Public Health, Welfare and Safety.
HB 407, introduced by B. Brown, referred to Fish and Game.

HB 413, introduced by F. Anderson, J. Bachmeier, M. Caferro, W. Curdy, M. Funk, B. Grubbs, J. Kassmier, W. McKamey, C. Schreiner, M. Sweeney, M. Weatherwax, P. Webb, McClafferty, Dunwell, referred to Judiciary.
HB 428, introduced by S. Morigeau, referred to Finance and Claims.
HB 434, introduced by L. Sheldon-Galloway, referred to Public Health, Welfare and Safety.
HB 440, introduced by D. Loge, F. Anderson, N. Duram, D. Fern, F. Garner, K. Holmlund, B. Tschida, referred to Highways and Transportation.
HB 463, introduced by M. Regier, J. Keane, R. Lynch, referred to Judiciary.
HB 471, introduced by M. Dunwell, referred to Public Health, Welfare and Safety.
HB 473, introduced by D. Lenz, referred to Judiciary.
HB 487, introduced by D. Skees, referred to Energy and Telecommunications.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 13, introduced by D. Dunn, Olsen, referred to Energy and Telecommunications.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olszewski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 195 - Senator Cohenour moved **SB 195** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber, Mr President.
Total 32

Nays: Brown, Ellsworth, Esp, Fielder, Howard, Kary, Keenan, Lang, Osmundson, Salomon, Small, Smith C, Thomas, Vance, Webb, Welborn.
Total 16

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 222 - Senator Cohenour moved **SB 222** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Pomnichowski.
Total 1

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 230 - Senator Sands moved **SB 230** do pass. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Gillespie, Gross, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Tempel, Vuckovich, Webber.
Total 21

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Small, Smith C, Smith F, Thomas, Vance, Webb, Welborn, Mr President.
Total 27

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 230 - Majority Leader Thomas moved **SB 230** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Olszewski,

Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Gross, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 17

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 244 - Senator Blasdel moved **SB 244** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 19

Paired: Sesso, Webb, Aye; Jacobson, McConnell, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 248 - Senator Cohenour moved **SB 248** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 40

Nays: Blasdel, Brown, Esp, Gillespie, Hinebauch, Howard, Lang, Richmond.
Total 8

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 260 - Senator Malek moved **SB 260** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Ellsworth, Hinebauch, Howard, Kary.
Total 4

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 261 - Senator Sands moved **SB 261** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Blasdel, Hinebauch, Kary, Vance, Mr President.
Total 5

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 262 - Senator Cohenour moved **SB 262** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 41

Nays: Ankney, Brown, Hinebauch, Hoven, Howard, Vance, Mr President.
Total 7

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 268 - Senator Bogner moved **SB 268** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 288 - Senator D. Brown moved **SB 288** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Barrett.
Total 1

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 305 - Senator Gauthier moved **SB 305** do pass.

SB 305 - Senator Gauthier moved **SB 305**, second reading copy, be amended as follows:

1. Page 1, line 17.
Following: "ENTITY WITH MORE THAN"
Strike: "5 EMPLOYEES" through "BUSINESS SECTOR"
Insert: "three employees"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Cohenour, Esp, Fielder, Malek.
Total 4

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 305 - Bill, as amended, passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 35

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Gross, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Webber.
Total 13

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SJ 6 - Senator Cuffe moved **SJ 6** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 38

Nays: Barrett, Esp, Gross, Malek, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 10

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes by Senator Fielder under Order of Business 9, Motions.

Majority Leader Thomas moved the committee **rise, report and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Olszewski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Smith F, Vuckovich.
Total 2

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 195**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved the Senate **suspend joint rule 40-150,** relating to the engrossing of bills, through legislative day 45. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 53 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 33

Nays: Blasdel, Bogner, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Olszewski, Regier, Salomon, Smith C, Vance, Webb, Mr President.
Total 15

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 93 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 33

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Webber.
Total 15

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 38 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 124 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 134 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 212 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 215 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Blasdel, Brown, Esp, Olszewski, Mr President.
Total 5

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 218 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips,

Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Bennett.
Total 1

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 236 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 254 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.

Total 0

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 255 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 39

Nays: Blasdel, Brown, Ellsworth, Howard, Kary, Olszewski, Smith C, Vance, Mr President.
Total 9

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 258 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Flowers, Gross, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 17

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 270 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 274 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 35

Nays: Barrett, Bennett, Boland, Cohenour, Flowers, Gross, MacDonald, Malek, McClafferty, Pomnichowski, Smith F, Vuckovich, Webber.
Total 13

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SB 275 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

SJ 10 passed as follows:

Yeas: Ankney, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Webb, Welborn.
Total 27

Nays: Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Esp, Gross, Keenan, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Vance, Vuckovich, Webber, Mr President.
Total 21

Paired: None.

Excused: Jacobson, McConnell.
Total 2

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 2/26/2019
SB 240, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "PROVIDING" on line 5 through "ACT;"

2. Page 1, line 19.
Strike: "**recovery**"
Insert: "benefit"

3. Page 1, line 23 through line 24.
Strike: "prevent a" on line 23 through "recovery" on line 24
Insert: "preclude a benefit and allow rescission"

4. Page 1, line 24 through line 25.
Following: "~~unless~~" on line 24
Strike: remainder of line 24 through "paid" on line 25

5. Page 1, line 25.
Following: "if"
Insert: "the representations are"

6. Page 2, line 2 through line 4.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

7. Page 2, line 8 through line 10.
Strike: subsection (5) in its entirety

And, as amended, do pass.

SB 269, do pass.
SB 307, introduced bill, be amended as follows:

1. Title, page 1, line 11.
Following: "EFFECTIVE DATE"
Insert: "AND A TERMINATION DATE"

2. Page 1, line 23.
Strike: "public owner"
Insert: "state agency or governing body"

3. Page 2, line 6.
Strike: "a governing body, including"
Following: "state agency"
Insert: "or governing body"

4. Page 2, line 25.
Strike: "entity"
Insert: "party"

5. Page 3, line 9.
Strike: "public owner"
Insert: "state agency or governing body"

6. Page 3, line 22.
Strike: "a governing body, including"
Following: "state agency"
Insert: "or governing body"

7. Page 4, line 11.
Strike: "entity"
Insert: "party"

8. Page 6, line 28.
Strike: "evaluation and selection of proposals"
Insert: "issuing a request for proposals"

9. Page 7, line 17.
Strike: "entity"
Insert: "party"

10. Page 7, line 20.
Following: line 19
Insert: "NEW SECTION. **Section 5. Termination.** [This act] terminates July 1, 2027."

And, as amended, do pass.

SB 311, do pass.

FINANCE AND CLAIMS (Osmundson, Chair): 2/26/2019
SB 30, do pass.
SB 147, do pass.
SB 155, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Strike: "39-51-2111," through "42-2-608,"
Following: "~~45-5-507,~~"
Insert: "45-5-507, AND"

2. Title, page 1, line 6 through line 7.
Following: "45-5-625," on line 6
Strike: "45-8-221," on line 6 through "52-3-803," on line 7

3. Page 1, line 12 through page 12, line 18.
Strike: section 1 through section 5 in their entirety

Renumber: subsequent sections

4. Page 13, line 17 through line 21.
Strike: "FOR A" on line 17 through "OFFENSE, THE" on line 21
Insert: "The"

5. Page 15, line 26.
Insert: "Section 2. Section 45-5-507, MCA, is amended to read:

"45-5-507. Incest. (1) A person commits the offense of incest if the person knowingly marries, cohabits with, has sexual intercourse with, or has sexual contact, as defined in 45-2-101, with an ancestor, a descendant, a brother or sister of the whole or half blood, or any stepson or stepdaughter. The relationships referred to in this subsection include blood relationships without regard to legitimacy, relationships of parent and child by adoption, and relationships involving a stepson or stepdaughter.

(2) (a) Consent is a defense to incest with or upon a stepson or stepdaughter, but consent is ineffective if the stepson or stepdaughter is less than 18 years of age and the stepparent is 4 or more years older than the stepson or stepdaughter.

(b) A person who is less than 18 years of age is not legally responsible or legally accountable for the offense of incest and is considered a victim of the offense of incest if the other person in the incestuous relationship is 4 or more years older than the victim.

(3) Except as provided in subsections (4) and (5), a person convicted of incest shall be punished by life imprisonment or by imprisonment in the state prison for a term not to exceed 100 years or be fined an amount not to exceed $50,000.

(4) If the victim is under 16 years of age and the offender is 3 or more years older than the victim or if the offender inflicts bodily injury upon anyone in the course of committing incest, the offender shall be punished by life imprisonment or by imprisonment in the state prison for a term of not less than 4 years or more than 100 years and may be fined not more than $50,000.

(5) (a) If the victim was 12 years of age or younger and the offender was 18 years of age or older at the time of the offense, the offender:

(i) shall be punished by imprisonment in a state prison for a term of 100 years. The court may not suspend execution or defer imposition of the first ~~10~~ 25 years of a sentence of imprisonment imposed under this subsection (5)(a)(i) except as provided in 46-18-222(1) through (5), and during the first ~~10~~ 25 years of imprisonment, the offender is not eligible for parole. The exception provided in 46-18-222(6) does not apply.

(ii) may be fined an amount not to exceed $50,000; and

(iii) shall be ordered to enroll in and successfully complete the educational phase and the cognitive and behavioral phase of a sexual offender treatment program provided or approved by the department of corrections.

(b) If the offender is released after the mandatory minimum period of imprisonment, the offender is subject to supervision by the department of corrections for the remainder of the offender's life and shall participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010.

(6) In addition to any sentence imposed under subsection (3), (4), or (5), after determining the financial resources and future ability of the offender to pay restitution as required by 46-18-242, the court shall require the offender, if able, to pay the victim's

reasonable costs of counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244."
"

Renumber: subsequent sections

6. Page 15, line 28.
Strike: "**AND CHILD PORNOGRAPHY**"

7. Page 15, line 29.
Strike: "AND CHILD PORNOGRAPHY"

8. Page 16, line 25.
Strike: "AND CHILD PORNOGRAPHY"

9. Page 16, line 28.
Strike: "AND CHILD PORNOGRAPHY"

10. Page 17, line 1 through line 2.
Strike: "AND" on line 1 through "CHILD PORNOGRAPHY" on line 2

11. Page 17, line 10 through line 14.
Strike: "FOR A" on line 10 through "OFFENSE, THE" on line 14
Insert: "The"

12. Page 18, line 21 through page 25, line 26.
Strike: section 8 through section 14 in their entirety
Renumber: subsequent sections

And, as amended, do pass.

SB 217, do pass.
SB 315, introduced bill, be amended as follows:

1. Page 1, line 6.
Following: "CHARGED"
Insert: "SOLELY"

2. Page 1, line 30.
Following: "charged"
Insert: "solely"

3. Page 2, line 1.
Following: "incarceration"
Insert: "and the defendant is not charged with any violation of state law for which incarceration is a sentencing option"

4. Page 3, line 22.
Following: "convicted,"
Insert: "the defendant is not charged with any violation of state law for which incarceration is a sentencing option,"

5. Page 4, line 20.
Following: "[section 1]."
Insert: "If the defendant is also charged with an offense that is a violation of state law for which incarceration is a sentencing option, the obligation of the local government to provide counsel pursuant to this subsection (3)(b) does not apply."

And, as amended, do pass.

STATE ADMINISTRATION (Brown, Chair): 2/26/2019
SB 285, do pass.
SB 291, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "technology are"
Insert: "collected and"

2. Page 1, lines 22 and 23.
Following: "privately"
Strike: "." on line 22 through "13-17-101." on line 23
Insert: ",including the provision of accommodations to provide a physical barrier or other method to ensure that the screen of the device is blocked from the view of other voters in the polling place."

3. Page 2, line 6 through 8.
Strike: "may" through "(ii) providing" on line 8
Insert: "must provide"

4. Page 2, line 11.
Following: line 10
Insert: "(c) Measures may also include encouraging a portion of the nondisabled electors to use the device to cast their ballot."

5. Page 9, line 13.
Following: "that"
Insert: ": (a) is accessible to electors with disabilities;
(b)"

6. Page 9, line 14.
Following: "a voter"
Strike: "and that"

Insert: "; (c)"

7. Page 9, line 15.
Following: "selections"
Insert: ";"
Strike: the first "that"
Insert: "(d)"

Following: "ballot that"
Insert: "displays electors' choices so the elector can confirm the ballot's accuracy and that"

8. Page 10, line 30.
Strike: "and"

9. Page 11, line 1.
Following: "(1)"
Insert: "; and
(d) has been made available for demonstration and use by electors with disabilities in at least one public event held by the secretary of state"

And, as amended, do pass.

SB 295, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Following: "2-18-412,"
Insert: "2-18-601,"

2. Title, page 1, line 8.
Following: "DATE"
Insert: ", A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE"

3. Page 1, line 21.
Following: line 20
Insert: "Section 2. Section 2-18-601, MCA, is amended to read:
"2-18-601. Definitions. For the purpose of this part, the following definitions apply:
(1) (a) "Accident" means an unexpected traumatic incident or unusual strain that is identifiable by time and place of occurrence and caused by a specific event on a single day or during a single work shift.
(b) The term does not include an employee's suicide.
~~(1)~~(2) (a) "Agency" means any legally constituted department, board, or commission of state, county, or city government or any political subdivision of the state.
(b) The term does not mean the state compensation insurance fund.
~~(2)~~(3) "Break in service" means a period of time in excess of 5 working days when the person is not employed and that severs continuous employment.

~~(3)~~(4) "Common association" means an association of employees established pursuant to 2-18-1310 for the purposes of employer and employee participation in the plan.

~~(4)~~(5) "Continuous employment" means working within the same jurisdiction without a break in service of more than 5 working days or without a continuous absence without pay of more than 15 working days.

~~(5)~~(6) "Contracting employer" means an employer who, pursuant to 2-18-1310, has contracted with the department of administration to participate in the plan.

~~(6)~~(7) "Employee" means any person employed by an agency except elected state, county, and city officials, schoolteachers, members of the instructional or scientific staff of a community college, persons contracted as independent contractors or hired under personal services contracts, and student interns.

~~(7)~~(8) "Full-time employee" means an employee who normally works 40 hours a week.

~~(8)~~(9) "Holiday" means a scheduled day off with pay to observe a legal holiday, as specified in 1-1-216 or 20-1-305, except Sundays.

~~(9)~~(10) "Member" means an employee who belongs to a voluntary employees' beneficiary association established under 2-18-1310.

~~(10)~~(11) "Part-time employee" means an employee who normally works less than 40 hours a week.

~~(11)~~(12) "Permanent employee" means a permanent employee as defined in 2-18-101.

~~(12)~~(13) "Plan" means the employee welfare benefit plan established under Internal Revenue Code section 501(c)(9) pursuant to 2-18-1304.

~~(13)~~(14) "Seasonal employee" means a seasonal employee as defined in 2-18-101.

~~(14)~~(15) "Short-term worker" means:

(a) for the executive and judicial branches, a short-term worker as defined in 2-18-101; or

(b) for the legislative branch, an individual who:

(i) may be hired by a legislative agency without using a competitive process for an hourly wage established by the agency;

(ii) may not work for the agency for more than 6 months in a continuous 12-month period;

(iii) is not eligible for permanent status;

(iv) may not be hired into a permanent position by the agency without a competitive selection process;

(v) is not eligible to earn the leave and holiday benefits provided in this part; and

(vi) may be discharged without cause.

~~(15)~~(16) "Sick leave" means a leave of absence with pay for:

(a) a sickness suffered by an employee or a member of the employee's immediate family; or

(b) the time that an employee is unable to perform job duties because of:

(i) a physical or mental illness, injury, or disability;

(ii) maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee's child;

(iii) parental leave for a permanent employee as provided in 2-18-606;

(iv) quarantine resulting from exposure to a contagious disease;

(v) examination or treatment by a licensed health care provider;

(vi) short-term attendance, in an agency's discretion, to care for a relative or household

member not covered by subsection ~~(15)(a)~~ (16)(a) until other care can reasonably be obtained;

(vii) necessary care for a spouse, child, or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or

(viii) death or funeral attendance of an immediate family member or, at an agency's discretion, another person.

~~(16)~~(17) "Student intern" means a student intern as defined in 2-18-101.

~~(17)~~(18) "Temporary employee" means a temporary employee as defined in 2-18-101.

~~(18)~~(19) "Transfer" means a change of employment from one agency to another agency in the same jurisdiction without a break in service.

~~(19)~~(20) "Vacation leave" means a leave of absence with pay for the purpose of rest, relaxation, or personal business at the request of the employee and with the concurrence of the employer.""

Renumber: subsequent sections

4. Page 4, line 22.
Strike: "[section 5]"
Insert: "[section 6]"

5. Page 5, line 10.
Strike: "[Section 5]"
Insert: "[Section 6]"

6. Page 5, line 11.
Strike: "[section 5]"
Insert: "[section 6]"

7. Page 5, line 14.
Following: line 13
Insert: "NEW SECTION. **Section 9. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to July 1, 2017."
Insert: "NEW SECTION. **Section 10. Termination.** [This act] terminates July 1, 2023."

And, as amended, do pass.

SB 310, introduced bill, be amended as follows:

1. Page 1, line 26.
Following: "(c)"
Insert: "the legislative audit committee and the legislative auditor;

(d)"

And, as amended, do pass.

Without objection, committee reports were adopted.

****

Majority Leader Thomas moved the Senate recess until 4:45 p.m. this date. Motion carried. Senate recessed at 2:24 p.m.

Senate reconvened at 4:45 p.m. President Sales presiding.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 2/26/2019
SJ 16, do pass.
HB 112, be concurred in.
HB 142, be concurred in.
HB 151, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 2/26/2019
SR 34, be adopted.
SR 35, be adopted.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 2/26/2019
SB 228, introduced bill, be amended as follows:

1. Page 1, line 20 through line 21.
Strike: "that is operated" on line 20 through "of this state" on line 21

And, as amended, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 2/26/2019
SB 209, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.
Following: "52-2-112" on line 6
Strike: ", 53-1-603," on line 6 through line 7
Insert: "AND"

2. Title, page 1, line 7.
Strike: "AND 53-20-205,"

3. Page 1, line 19.
Strike: "week"
Insert: "month"
Following: "12,000"
Insert: ", as determined by the most recent federal population census"
Strike: "and"

4. Page 1, line 20.
Strike: "week"
Insert: "month"
Strike: "or more."
Insert: "to 15,000, as determined by the most recent federal population census; and"

5. Page 1.
Following: line 20
Insert: "(c) with at least four employees, at least 4 days a week in a county with a population of 15,000 or more, as determined by the most recent federal population census.

(3) If client demand warrants, one or more employees based in a county described in subsection (2)(c) may be temporarily assigned to an adjoining county to cover a workforce shortage in the adjoining county.

(4) The department shall prepare a report regarding the annual number of hours staffed and number of clients served in each county office, to be provided to the children, families, health, and human services interim committee by October 3, 2020. The department shall provide an internet version of the report free of charge to the public and shall charge a fee for paper copies that is commensurate with the cost of printing the report."
Renumber: subsequent subsections

6. Page 1, line 23 through page 2, line 12.
Strike: section 2 in its entirety
Renumber: subsequent sections

7. Page 2, line 22.
Strike: "2 days"
Insert: "1 day"
Strike: "week"
Insert: "month"

8. Page 2, line 23.
Strike: "4"
Insert: "2"
Strike: "week"
Insert: "month"

9. Page 2, line 25 through page 3, line 17.
Strike: section 4 in its entirety
Renumber: subsequent sections

And, as amended, do pass.

SB 267, do pass.

Without objection, committee reports were adopted.

MOTIONS

Senator Fielder moved to change her second-reading vote on **SJ 6** from No to Yes. Without objection, so ordered.

Majority Leader Thomas moved that **SB 209**, reported out of committee this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved to **suspend Senate rule 40-60**, related to scheduling second reading, through the fiftieth legislative day. Without objection, so ordered.

Senator Brown moved that **SB 259** be taken from the Fish and Game Committee and placed on second reading. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 24

Nays: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 22

Paired: None.

Excused: Jacobson, Lang, McConnell, Osmundson.
Total 4

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the Senate adjourn until 10 a.m., Wednesday, February 27, 2019, the forty-second legislative day. Motion carried.

Senate adjourned at 4:54 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FORTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
February 27, 2019 — State Capitol

Senate convened at 10:00 a.m. President Sales presiding. Invocation by Senator Flowers. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/27/2019
Correctly printed: **SB 30**, **SB 48**, **SB 71**, **SB 147**, **SB 155**, **SB 164**, **SB 178**, **SB 195**, **SB 200**, **SB 201**, **SB 217**, **SB 222**, **SB 240**, **SB 244**, **SB 248**, **SB 253**, **SB 257**, **SB 259**, **SB 260**, **SB 261**, **SB 262**, **SB 264**, **SB 267**, **SB 268**, **SB 269**, **SB 276**, **SB 282**, **SB 284**, **SB 285**, **SB 286**, **SB 288**, **SB 289**, **SB 291**, **SB 292**, **SB 295**, **SB 296**, **SB 299**, **SB 300**, **SB 301**, **SB 302**, **SB 304**, **SB 307**, **SB 308**, **SB 310**, **SB 311**, **SB 312**, **SB 313**, **SB 315**, **SB 318**, **SB 319**, **SB 320**, **SB 321**, **SR 34**, **SR 35**, **SJ 6**, **SJ 12**, **SJ 16**, **HB 30**, **HB 33**, **HB 44**, **HB 58**, **HB 112**, **HB 142**, **HB 151**, **HB 247**, **HJ 4**.
Correctly engrossed: **SB 155**, **SB 209**, **SB 228**, **SB 259**, **SB 291**, **SB 295**, **SB 302**, **SB 305**, **SB 307**, **SB 310**, **SB 313**, **SB 315**.
Transmitted to the House: **SB 30**, **SB 38**, **SB 48**, **SB 53**, **SB 71**, **SB 93**, **SB 124**, **SB 134**, **SB 147**, **SB 155**, **SB 164**, **SB 178**, **SB 201**, **SB 212**, **SB 215**, **SB 217**, **SB 218**, **SB 222**, **SB 236**, **SB 240**, **SB 244**, **SB 248**, **SB 253**, **SB 254**, **SB 255**, **SB 257**, **SB 258**, **SB 259**, **SB 260**, **SB 261**, **SB 262**, **SB 264**, **SB 268**, **SB 270**, **SB 274**, **SB 275**, **SB 276**, **SB 284**, **SB 285**, **SB 286**, **SB 288**, **SB 289**, **SB 291**, **SB 292**, **SB 295**, **SB 296**, **SB 299**, **SB 300**, **SB 301**, **SB 304**, **SB 305**, **SB 307**, **SB 310**, **SB 311**, **SB 313**, **SB 315**, **SJ 6**, **SJ 10**, **SJ 12**, **SJ 16**.
Signed by the Speaker at 4:50 p.m., February 26, 2019: **SB 63**, **SB 77**, **SB 104**, **SB 175**, **SB 196**.
Delivered to the Governor at 8:42 a.m., February 27, 2019: **SB 63**, **SB 77**, **SB 104**, **SB 175**, **SB 196**.

COMMUNICATIONS AND PETITIONS

Transmittal Agreement
66th Legislature
February 22, 2019

For purposes of the transmittal deadlines contained in Joint Rule 40-200, all bills referred to the House Appropriations Committee or the Senate Finance and Claims Committee, as well as other bills designated as appropriation bills by Legislative Services Division (LSD), shall be subject to the 67th day transmittal deadline.

All bills referred to the House Taxation Committee or the Senate Taxation Committee as well as other bills designated as revenue bills by LSD, shall be subject to the 67th day transmittal deadline.

Signed:

Greg Hertz, Speaker of the House	Scott Sales, President of the Senate
Brad Tschida, House Majority Leader	Fred Thomas, Senate Majority Leader
Casey Schreiner, House Minority Leader	Jon Sesso, Senate Minority Leader

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

2/26/2019

SB 2, introduced by M. MacDonald

House bills passed and transmitted to the Senate for concurrence: 2/26/2019

HB 214, introduced by V. Ricci
HB 332, introduced by J. Kassmier
HB 379, introduced by T. Manzella
HB 381, introduced by D. Dunn
HB 394, introduced by G. Hertz
HB 433, introduced by F. Moore
HB 482, introduced by A. Doane
HB 489, introduced by M. Regier

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 319, introduced by D. Kary, D. Ankney, T. Gauthier, R. Tempel, referred to State Administration.
SB 320, introduced by D. Salomon, F. Moore, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced and read first time:

HB 214, introduced by V. Ricci.
HB 332, introduced by J. Kassmier, D. Bartel, B. Brown, E. Buttrey, J. Fuller, W. Galt, S. Hinebauch, L. Jones, D. Loge, F. Moore, A. Redfield, D. Skees, B. Tschida, referred to Ethics.
HB 379, introduced by T. Manzella, S. Berglee.
HB 381, introduced by D. Dunn.
HB 394, introduced by G. Hertz.
HB 433, introduced by F. Moore, N. Ballance, M. Caferro, T. Jacobson, L. Jones, M. McNally, A.

Olszewski, R. Osmundson, C. Smith.
HB 482, introduced by A. Doane, J. Windy Boy.
HB 489, introduced by M. Regier.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McConnell in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 48 - Senator Richmond moved **SB 48** do pass.

SB 48 - Senator Pomnichowski moved **SB 48**, second reading copy, be amended as follows:

1. Page 1, line 21.
Strike: "department"
Insert: "board"

2. Page 1, line 24.
Strike: "department"
Insert: "board"

Amendment **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 21

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 48 - Senator Pomnichowski moved **SB 48**, second reading copy, be amended as follows:

1. Page 2.
Following: line 4
Insert: "(4) The department shall consult with the board during rulemaking for temporary water quality standards variances."

Amendment **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 48 - Thereupon, the Senate reverted to the original motion of Senator Richmond which passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Ellis.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 200 - Senator R. Webb moved **SB 200** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 37

Nays: Bennett, Boland, Cohenour, Ellis, Gross, MacDonald, Malek, Pomnichowski, Sands, Smith F, Tempel, Vuckovich, Webber.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 201 - Senator Ankney moved **SB 201** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Mr President.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 253 - Senator C. Smith moved **SB 253** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Tempel.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 257 - Senator Cuffe moved **SB 257** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Hinebauch.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 264 - Senator Small moved **SB 264** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vance, Vuckovich, Webber, Welborn.

Total 38

Nays: Blasdel, Bogner, Esp, Fielder, Hinebauch, Keenan, Lang, Regier, Smith C, Thomas, Webb, Mr President.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 276 - Senator R. Webb moved **SB 276** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McConnell, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 36

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, MacDonald, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 296 - Senator Fitzpatrick moved **SB 296** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 12 - Senator Cuffe moved **SJ 12** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator McConnell moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 200**, heard on second reading this date, be re-referred the Finance and Claims Committee. Without objection, so ordered.

Senate Cohenour moved that **SB 283** be taken from the Fish and Game Committee and placed on second reading this date. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 25

Nays: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 25

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator McConnell moved that **SB 313** be taken from the Judiciary Committee and placed on second reading this date. Motion **passed** as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Smith F, Vuckovich, Webb, Webber.
Total 28

Nays: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Olszewski, Osmundson, Small, Smith C, Tempel, Thomas, Vance, Welborn, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 222 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Brown, Mr President.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 244 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 248 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn.
Total 37

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Keenan, Olszewski, Richmond, Smith C, Webb, Mr President.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 260 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Hinebauch, Kary, Mr President.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 261 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Hinebauch, Kary, Vance, Mr President.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 262 passed as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 40

Nays: Ankney, Blasdel, Brown, Fitzpatrick, Hoven, Howard, Keenan, Tempel, Vance, Mr President.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 268 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 288 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 6 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 38

Nays: Barrett, Ellis, Gross, Malek, McConnell, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

****

Senate recessed at 11:11 a.m.

Senate reconvened at 11:21 a.m. President Sales presiding.

MOTIONS

Senator Gross moved that **SB 284** be taken from the State Administration Committee and placed on second reading this date. Motion **passed** as follows:.

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webb, Webber, Welborn.
Total 29

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Mr President.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Majority Leader Thomas moved that **SB 285**, **SB 286**, **SB 289**, and **SB 295** be placed directly under item 1, **SB 155,** on the agenda. Without objection, so ordered.

SB 155 - Senator R. Webb moved **SB 155** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Howard, Jacobson, Kary, Lang, Malek, McClafferty, McConnell, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 36

Nays: Barrett, Cohenour, Ellis, Esp, Fielder, Hinebauch, Hoven, Keenan, MacDonald, McNally, Regier, Sands, Tempel, Webber.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.

Total 42

Nays: Cohenour, Fielder, Hinebauch, McNally, Pomnichowski, Sands, Smith F, Vuckovich.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

****

Majority Leader Thomas moved the Senate recess until 12:45 p.m. Motion carried. Senate recessed at 11:40 a.m.

Senate reconvened at 12:45 p.m. President Sales presiding

MOTIONS

Majority Leader Thomas moved that **SB 312** be taken from the Judiciary Committee and re-referred to the Finance and Claims Committee. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Osmundson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Cuffe excused at this time.

SB 285 - Senator D. Brown moved **SB 285** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

SB 286 - Senator Bennett moved **SB 286** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Cuffe.
Total 1

Absent or not voting: None.
Total 0

Senator Cuffe present at this time.

SB 289 - Senator Sands moved **SB 289** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr

President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 295 - Senator Richmond moved **SB 295** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 164 - Majority Leader Thomas moved **SB 164** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 178 - Senator Jacobson moved **SB 178** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 43

Nays: Barrett, Howard, Malek, McNally, Pomnichowski, Sands, Tempel.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 240 - Senator Ellsworth moved **SB 240** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Bennett.
Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 291 - Majority Leader Thomas moved **SB 291** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 299 - Senator Lang moved **SB 299** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 217 - Senator Howard moved **SB 217** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 300 - Senator Bogner moved **SB 300** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 301 - Senator Small moved **SB 301** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp,

Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Barrett, Hinebauch, Malek, Pomnichowski, Vance.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 304 - Senator R. Webb moved **SB 304** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 307 - Senator Welborn moved **SB 307** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 37

Nays: Blasdel, Brown, Cuffe, Ellsworth, Fielder, Hinebauch, Kary, Lang, Regier, Smith C, Vance, Webb, Mr President.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 308 - Senator R. Webb moved **SB 308** do pass. Motion **failed** as follows:

Yeas: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Thomas, Vance, Webb, Mr President.
Total 25

Nays: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 25

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 308 - Majority Leader Thomas moved **SB 308** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 36

Nays: Blasdel, Brown, Cuffe, Ellsworth, Gross, Hinebauch, Hoven, Lang, Olszewski, Regier, Salomon, Smith C, Thomas, Webb.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 310 - Majority Leader Thomas moved consideration of **SB 310** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 311 - Senator Fitzpatrick moved **SB 311** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Kary.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 315 - President Sales moved **SB 315** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 47

Nays: Lang, Regier, Webber.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 71 - Senator Olszewski moved **SB 71** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 302 - Senator Esp moved **SB 302** do pass.

SB 302 - Senator Esp moved **SB 302**, second reading copy, be amended as follows:

1. Page 2, line 12.
Following: "general"
Strike: "."

2. Page 2, line 13.
Strike: "The attorney general shall investigate and may"
Insert: "to"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr

President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 302 - As amended, **SB 302** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Ellsworth.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Sales assumed the chair.

SB 310 - Senator Osmundson moved **SB 310** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 302** and **SB 200**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

****

Senate recessed at 2:45 p.m.

Senate reconvened at 3:13 p.m. President Sales presiding.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Osmundson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 282 - Senator Fielder moved **SB 282** do pass. Motion **failed** as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Fielder, Hinebauch, Howard, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 17

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 33

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 282 - Majority Leader Thomas moved **SB 282** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Brown, Cuffe, Hoven, Olszewski, Regier.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 292 - Senator R. Webb moved **SB 292** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Fielder.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 16 - Senator Olszewski moved **SJ 16** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 45

Nays: Ankney, Cuffe, Esp, Fitzpatrick, Welborn.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 259 - Senator D. Brown moved **SB 259** do pass.

SB 259 - Senator D. Brown moved **SB 259**, second reading copy, be amended as follows:

1. Page 2, line 30.
Following: "horsepower"
Insert: ":
(a)"
Following: "a valid"
Insert: ":
(i)"

2. Page 3, line 1.
Following: "Montana motorboat operator's safety certificate"
Insert: "; or
(ii) operator's certificate from another state approved by the department; or"

3. Page 3, line 2.
Following: "~~course~~"
Strike: "or"
Insert: "(b)"

4. Page 3, line 9 through line 10.
Strike: "possesses" on line 9 through "older" on line 10
Insert: "meets the requirements of subsection (10)(a) or (10)(b)"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 259 - Senator D. Brown moved **SB 259**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "CERTIFICATE"
Insert: "OR DRIVER'S LICENSE"

2. Page 2, line 30.
Following: "horsepower"
Insert: ":
(a)"
Following: "a valid"
Insert: ":
(i)"

3. Page 3, line 1.
Following: "Montana motorboat operator's safety certificate"
Insert: "; or
(ii) driver's license; or"

4. Page 3, line 2.
Following: "~~course~~"
Strike: "or"
Insert: "(b)"

5. Page 3, line 9 through line 10.
Strike: "possesses" on line 9 through "older" on line 10
Insert: "meets the requirements of subsection (10)(a) or (10)(b)"

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 39

Nays: Barrett, Bennett, Cohenour, Flowers, Malek, McClafferty, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 259 - As amended, **SB 259** passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 284 - Senator Gross moved **SB 284** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webb, Webber, Welborn.
Total 28

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 313 - Senator McConnell moved **SB 313** do pass.

SB 313 - Senator McConnell moved **SB 313**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Strike: ", COMPLAINT,"

2. Title, page 1, line 5 through line 6.
Strike: "ALLOWING" on line 5 through "CIRCUMSTANCES;" on line 6

3. Title, page 1, line 7.
Strike: "49-2-501,"
Following: "49-2-504"
Strike: ","

4. Page 1, line 11 through page 2, line 5.
Strike: section 1 in its entirety
Renumber: subsequent sections

5. Page 3, line 22 through line 26.
Strike: subsection (8) in its entirety

6. Page 3, line 29 through line 30.
Strike: "Except" on line 29 through "the" on line 30
Insert: "The"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Senator Fielder excused at this time.

SB 313 - As amended, **SB 313** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Mr President.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

****

Senate recessed at 4:00 p.m.

Senate reconvened at 4:08 p.m. President Sales presiding.

MOTIONS

Majority Leader Thomas moved to **suspend Senate rules 40-40 and 50-190** to allow bills heard on second reading this date to move immediately to third reading. Without objection, so ordered.

Senator Fielder present at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 30 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Vuckovich, Webb, Webber.
Total 34

Nays: Blasdel, Brown, Ellsworth, Esp, Fielder, Hinebauch, Howard, Keenan, Lang, Osmundson, Regier, Tempel, Thomas, Vance, Welborn, Mr President.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 147 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Hinebauch.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 305 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 40

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, MacDonald, Malek, McClafferty, Pomnichowski.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 48 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson,

Kary, Keenan, Lang, McClafferty, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 43

Nays: Barrett, Ellis, MacDonald, Malek, McConnell, Phillips, Pomnichowski.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 71 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McConnell, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 37

Nays: Barrett, Boland, Cohenour, Ellis, Flowers, Jacobson, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Webber.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 155 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Howard, Jacobson, Kary, Lang, Malek, McClafferty, McConnell, Olszewski, Osmundson, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Cohenour, Ellis, Esp, Fielder, Hoven, Keenan, MacDonald, McNally, Phillips,

Pomnichowski, Regier, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 164 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 178 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Barrett, Malek, Pomnichowski, Sands, Tempel.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 201 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 217 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 240 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 253 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Tempel.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 257 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Hinebauch.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 259 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Ellsworth, Fielder, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Webb, Webber, Welborn.
Total 34

Nays: Blasdel, Bogner, Cuffe, Esp, Fitzpatrick, Hinebauch, Kary, Keenan, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Vuckovich, Mr President.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 264 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance,

Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Blasdel, Bogner, Esp, Fielder, Hinebauch, Hoven, Keenan, Mr President.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 276 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 35

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, MacDonald, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 284 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 29

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 285 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 286 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 289 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 291 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Vuckovich.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 292 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Vuckovich.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 295 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 296 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 299 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 300 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 301 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Barrett, Hinebauch, Malek, Phillips, Pomnichowski, Vance.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 304 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 307 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 36

Nays: Blasdel, Brown, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Regier, Smith C, Vance, Webb, Mr President.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 310 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 311 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Kary.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 313 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 315 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 43

Nays: Barrett, Boland, Cohenour, Fielder, Jacobson, Lang, Regier.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 12 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 16 passed as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 46

Nays: Ankney, Fitzpatrick, McClafferty, Welborn.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 321, introduced by B. Hoven, referred to Taxation.

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

Minority Leader Sesso and Majority Leader Thomas commented on progress made during the first half of the session and expectations for the second half of the session.

Majority Leader Thomas moved the Senate adjourn until 5:00 p.m., March 7, 2019, the forty-sixth legislative day. Motion carried.

Senate adjourned at 4:34 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FORTY-THIRD LEGISLATIVE DAY

Helena, Montana
February 28, 2019

Senate Chambers
State Capitol

Senate did not meet in session this date.

SENATE JOURNAL
66TH LEGISLATURE
FORTY-FOURTH LEGISLATIVE DAY

Helena, Montana
March 1, 2019

Senate Chambers
State Capitol

Senate did not meet in session this date.

SENATE JOURNAL
66TH LEGISLATURE
FORTY-FIFTH LEGISLATIVE DAY

Helena, Montana
March 2, 2019

Senate Chambers
State Capitol

Senate did not meet in session this date.

SENATE JOURNAL
66TH LEGISLATURE
FORTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 7, 2019 — State Capitol

Senate convened at 5:01 p.m. President Sales presiding. Invocation by Senator C. Smith. Pledge of Allegiance to the Flag.

Roll Call. Thirty-nine members present. Senators Ankney, Fielder, Gauthier, Gross, Hinebaugh, Osmundson, Sands, Sesso, Vance, Vuckovich, and Webber, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/7/2019
Correctly enrolled: **SB 20**, **SB 25**.
Examined by the sponsor and found to be correct: **SB 20**, **SB 25**.

MESSAGES FROM THE GOVERNOR

March 7, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Thursday, March 7, 2019, I signed the following bills:

Senate Bill 39 -- Fitzpatrick
Senate Bill 63 -- Sands
Senate Bill 75 -- Vuckovich
Senate Bill 77 -- McNally
Senate Bill 94 -- Gauthier
Senate Bill 104 -- Webb
Senate Bill 175 -- Howard
Senate Bill 196 -- Sands

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/27/2019

HB 150, introduced by F. Garner
HB 286, introduced by A. Redfield
HB 388, introduced by M. Caferro
HB 414, introduced by J. Karjala
HB 416, introduced by R. Fitzgerald
HB 441, introduced by K. White
HB 456, introduced by C. Pope
HB 462, introduced by T. Burnett
HB 476, introduced by J. Keane
HB 497, introduced by W. Galt
HB 505, introduced by W. Sales
HB 518, introduced by E. Buttrey
HB 545, introduced by G. Pierson

House joint resolution passed and transmitted to the Senate for concurrence: 2/27/2019

HJ 18, introduced by W. Galt

Senate amendments to House bill concurred in: 2/27/2019

HB 213, introduced by L. Jones

House bills passed and transmitted to the Senate for concurrence: 2/28/2019

HB 298, introduced by C. Pope
HB 343, introduced by B. Hamlett
HB 393, introduced by J. Kassmier
HB 502, introduced by T. Burnett
HB 506, introduced by S. Gunderson
HB 513, introduced by C. Pope
HB 520, introduced by R. Shaw
HB 527, introduced by Z. Brown
HB 529, introduced by F. Moore
HB 547, introduced by L. Bishop
HB 553, introduced by F. Moore
HB 580, introduced by R. Knudsen
HB 583, introduced by D. Lenz
HB 584, introduced by S. Morigeau
HB 599, introduced by J. Windy Boy

House joint resolution passed and transmitted to the Senate for concurrence: 2/28/2019

HJ 8, introduced by K. Dudik

HB 35 - The House failed to concur in Senate amendments to **HB 35,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 35:**

2/28/2019

Representative Buttrey, Vice Chair
Representative Fitzgerald
Representative Pierson

Senate amendments to House bill concurred in: 3/1/2019

HB 94, introduced by Z. Brown

House bills passed and transmitted to the Senate for concurrence: 3/1/2019

HB 48, introduced by L. Bishop
HB 467, introduced by D. Hayman
HB 498, introduced by J. Bahr
HB 512, introduced by J. Bachmeier
HB 514, introduced by K. Dudik
HB 523, introduced by K. Sullivan
HB 524, introduced by M. Weatherwax
HB 535, introduced by C. Pope
HB 536, introduced by G. Custer
HB 537, introduced by M. Regier
HB 542, introduced by B. Bessette
HB 543, introduced by Z. Brown
HB 544, introduced by R. Lynch
HB 549, introduced by K. Dudik
HB 550, introduced by A. Redfield
HB 558, introduced by T. Winter
HB 560, introduced by K. Kelker
HB 561, introduced by D. Zolnikov
HB 562, introduced by B. Grubbs
HB 567, introduced by D. Skees
HB 576, introduced by D. Bedey
HB 578, introduced by E. Buttrey
HB 579, introduced by E. Buttrey
HB 581, introduced by C. Knudsen
HB 585, introduced by B. Hamlett
HB 586, introduced by B. Hamlett

HB 589, introduced by M. Caferro
HB 590, introduced by D. Fern
HB 591, introduced by L. Sheldon-Galloway
HB 592, introduced by R. Fitzgerald
HB 596, introduced by G. Pierson
HB 598, introduced by M. Hopkins
HB 601, introduced by J. Fuller
HB 604, introduced by J. Karjala
HB 612, introduced by D. Bartel
HB 615, introduced by S. Morigeau
HB 617, introduced by B. Usher
HB 619, introduced by D. Zolnikov
HB 622, introduced by R. Farris-Olsen
HB 624, introduced by F. Moore
HB 625, introduced by B. Mercer

House joint resolutions passed and transmitted to the Senate for concurrence: 3/1/2019

HJ 12, introduced by J. Read
HJ 17, introduced by W. Curdy
HJ 20, introduced by J. Windy Boy
HJ 24, introduced by W. McKamey
HJ 26, introduced by F. Mandeville
HJ 27, introduced by W. McKamey
HJ 28, introduced by D. Bartel

March 7, 2019

Marilyn Miller
Secretary of the Senate
Montana State Senate

Dear Secretary Miller:

I am directed by the Speaker of the House to inform the Senate President that per Joint Rule 40-70, **Senate Bill 284** has been returned to the Senate. House Bill 139 failed 2nd reading on January 29, 2019.

40-70. Bills with same purpose -- vetoes. (1) A bill may not be introduced or received in a house after that house, during that session, has finally rejected a bill designed to accomplish the

same purpose, except with the approval of the Rules Committee of the house in which the bill is offered for introduction or reception.

Sincerely,

Lindsey Vroegindewey
Chief Clerk
Montana House of Representatives

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 39, introduced by D. Brown, referred to State Administration.
SR 40, introduced by D. Brown, referred to State Administration.
SR 41, introduced by D. Brown, referred to State Administration.
SR 42, introduced by D. Brown, referred to State Administration.

The following House bills were introduced and read first time:

HB 48, introduced by L. Bishop (by request of the Department of Justice).
HB 150, introduced by F. Garner, J. Bachmeier, Bachmeier.
HB 286, introduced by A. Redfield.
HB 298, introduced by C. Pope, J. Bahr, M. Caferro, M. Funk, B. Grubbs, J. Keane, K. Kelker, S. Morigeau, C. Schreiner, R. Shaw, S. Stewart Peregoy, S. Vinton, J. Windy Boy.
HB 343, introduced by B. Hamlett, M. Caferro, K. Dudik, S. Fitzpatrick, G. Hertz, J. Keane, N. McConnell, S. Sales, C. Schreiner, J. Sesso, J. Welborn.
HB 388, introduced by M. Caferro, C. Pope.
HB 393, introduced by J. Kassmier, J. Bachmeier, D. Bedey, N. Duram, J. Fuller, W. Galt, D. Zolnikov.
HB 414, introduced by J. Karjala, J. Bachmeier, W. Curdy, G. Custer, K. Dudik, R. Farris-Olsen, M. Funk, J. Hamilton, D. Harvey, K. Kelker, C. Keogh, J. Krautter, R. Lynch, S. Morigeau, R. Peppers, Z. Perry, G. Pierson, T. Runningwolf, C. Schreiner, R. Shaw, P. Webb, T. Winter, T. Woods.
HB 416, introduced by R. Fitzgerald, E. Buttrey, C. Pope, M. Sweeney, M. Lang.
HB 441, introduced by K. White, D. Ankney, D. Bartel, M. Cuffe, A. Doane, W. Galt, S. Gunderson, B. Hamlett, D. Harvey, D. Kary, J. Kassmier, J. Keane, D. Loge, G. Pierson, J. Read, S. Sales, R. Shaw, D. Skees, M. Sweeney, J. Welborn, T. Welch.
HB 456, introduced by C. Pope.
HB 462, introduced by T. Burnett.
HB 467, introduced by D. Hayman, J. Ellis.
HB 476, introduced by J. Keane, D. Ankney.
HB 497, introduced by W. Galt, G. Hertz, S. Sales, B. Tschida.
HB 498, introduced by J. Bahr.

HB 502, introduced by T. Burnett.
HB 505, introduced by W. Sales.
HB 506, introduced by S. Gunderson, F. Anderson, B. Beard, D. Bedey, B. Brown, W. Curdy, D. Fern, R. Fitzgerald, J. Fuller, W. Galt, R. Garcia, B. Grubbs, B. Hamlett, K. Kelker, C. Keogh, D. Mortensen, M. Noland, J. Read, A. Redfield, V. Ricci, M. Ryan, W. Sales, L. Sheldon-Galloway, D. Skees, B. Tschida, S. Vinton, T. Welch, K. White, T. Woods.
HB 512, introduced by J. Bachmeier, B. Mercer.
HB 513, introduced by C. Pope.
HB 514, introduced by K. Dudik, M. Dunwell, A. Redfield, C. Smith, D. Zolnikov.
HB 518, introduced by E. Buttrey, W. McKamey.
HB 520, introduced by R. Shaw, D. Ankney, E. Buttrey, M. Cuffe, G. Custer, J. Dooling, B. Hamlett, C. Knudsen, W. McKamey, D. Salomon, J. Small, J. Welborn, T. Welch.
HB 523, introduced by K. Sullivan, K. Dudik.
HB 524, introduced by M. Weatherwax, J. Bahr, R. Farris-Olsen, R. Peppers, T. Runningwolf, J. Small, S. Stewart Peregoy, S. Webber, J. Windy Boy.
HB 527, introduced by Z. Brown.
HB 529, introduced by F. Moore.
HB 535, introduced by C. Pope.
HB 536, introduced by G. Custer.
HB 537, introduced by M. Regier.
HB 542, introduced by B. Bessette, M. Caferro, K. Dudik, E. Kerr-Carpenter, S. Stewart Peregoy.
HB 543, introduced by Z. Brown.
HB 544, introduced by R. Lynch, D. Harvey, J. Keane.
HB 545, introduced by G. Pierson.
HB 547, introduced by L. Bishop.
HB 549, introduced by K. Dudik, L. Bishop.
HB 550, introduced by A. Redfield.
HB 553, introduced by F. Moore, N. Ballance, D. Bedey, W. Galt, G. Hertz, K. Holmlund, M. Hopkins, L. Jones, J. Keane, R. Lynch, R. Osmundson, J. Sesso.
HB 558, introduced by T. Winter.
HB 560, introduced by K. Kelker.
HB 561, introduced by D. Zolnikov.
HB 562, introduced by B. Grubbs.
HB 567, introduced by D. Skees, S. Berglee.
HB 576, introduced by D. Bedey.
HB 578, introduced by E. Buttrey.
HB 579, introduced by E. Buttrey.
HB 580, introduced by R. Knudsen, W. Curdy, G. Custer, J. Dooling, D. Fern, J. Fuller, B. Grubbs, S. Gunderson, J. Karjala, J. Krautter, D. Lenz, D. Loge, F. Mandeville, T. Moore, J. Read, A. Redfield, D. Skees, M. Sweeney, B. Usher, P. Webb, R. Webb, T. Welch, D. Zolnikov.
HB 581, introduced by C. Knudsen.
HB 583, introduced by D. Lenz.
HB 584, introduced by S. Morigeau.
HB 585, introduced by B. Hamlett, B. Brown, S. Fitzpatrick, T. Jacobson, M. Lang, R. Lynch, G.

Vuckovich, S. Webber, T. Welch, K. White.
HB 586, introduced by B. Hamlett, Z. Brown, E. Buttrey, W. Curdy, A. Doane, J. Ellsworth, T. Gauthier, B. Grubbs, S. Gunderson, J. Keane, M. Lang, T. Manzella, W. McKamey, D. Salomon, R. Shaw, G. Vance, R. Webb, S. Webber, T. Welch, K. White.
HB 589, introduced by M. Caferro.
HB 590, introduced by D. Fern.
HB 591, introduced by L. Sheldon-Galloway.
HB 592, introduced by R. Fitzgerald.
HB 596, introduced by G. Pierson, T. Moore.
HB 598, introduced by M. Hopkins, J. Bahr, A. Olsen.
HB 599, introduced by J. Windy Boy, B. Bessette, K. Dudik, M. Dunwell, J. Karjala, M. Ryan, J. Small, S. Webber.
HB 601, introduced by J. Fuller, J. Kassmier.
HB 604, introduced by J. Karjala, J. Bahr, B. Bessette, K. Dudik, M. Dunwell, E. Kerr-Carpenter, B. Usher, P. Webb.
HB 612, introduced by D. Bartel, W. Galt, D. Kary, J. Kassmier, M. Lang, F. Moore, M. Noland, B. Tschida.
HB 615, introduced by S. Morigeau.
HB 617, introduced by B. Usher.
HB 619, introduced by D. Zolnikov, D. Bedey, L. Jones.
HB 622, introduced by R. Farris-Olsen, A. Olsen.
HB 624, introduced by T. Moore.
HB 625, introduced by B. Mercer.

The following House joint resolutions were introduced and read first time:

HJ 8, introduced by K. Dudik, F. Anderson, D. Ankney, D. Bedey, S. Berglee, K. Bogner, E. Buttrey, N. Duram, J. Fuller, F. Garner, T. Gauthier, W. McKamey, A. Olszewski, G. Pierson, D. Sands, R. Shaw, F. Smith, M. Weatherwax.
HJ 12, introduced by J. Read, D. Bedey, B. Brown.
HJ 17, introduced by W. Curdy.
HJ 18, introduced by W. Galt, D. Bartel, D. Bedey, S. Berglee, M. Blasdel, K. Bogner, B. Brown, E. Buttrey, D. Dunn, J. Fuller, F. Garner, B. Hamlett, G. Hertz, S. Hinebauch, L. Jones, J. Kassmier, C. Knudsen, R. Knudsen, D. Lenz, D. Mortensen, A. Redfield, M. Regier, S. Sales, W. Sales, R. Shaw, D. Skees, B. Tschida, K. White.
HJ 20, introduced by J. Windy Boy, J. Bahr, B. Bessette, S. Morigeau, T. Runningwolf, S. Stewart Peregoy, M. Weatherwax.
HJ 24, introduced by W. McKamey, J. Fuller.
HJ 26, introduced by F. Mandeville, W. Galt, C. Glimm, G. Hertz, K. Holmlund, L. Jones, F. Moore, M. Regier, B. Tschida.
HJ 27, introduced by W. McKamey, R. Shaw.
HJ 28, introduced by D. Bartel, D. Bedey, T. Burnett, A. Doane, D. Dunn, N. Duram, J. Fuller, W. Galt, C. Glimm, S. Greef, G. Hertz, S. Hinebauch, D. Kary, J. Kassmier, M. Lang, D. Lenz, B. Mercer, F. Moore, M. Noland, K. Regier, D. Skees, B. Tschida, G. Vance, P. Webb, R. Webb, K. White.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, March 8, 2019, the forty-seventh legislative day. Motion carried.

Senate adjourned at 5:06 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 8, 2019 — State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Regier. Pledge of Allegiance to the Flag.

Roll Call. Forty-seven members present, Senators Ankney, Fielder, and Hinebaugh excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/8/2019
We, your committee on Bills and Journals, having examined the daily journals for the thirty-first through thirty-fifth legislative days, find the same to be correct.

Correctly printed: **SR 39**, **SR 40**, **SR 41**, **SR 42**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 3/8/2019
HB 198, be concurred in.
HB 334, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

February 28, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate a cabinet appointment for confirmation.

- Department of Commerce, Director, **Ms. Tara Rice,** 301 S. Park Ave, Helena, MT 59601, effective March 1, 2019;

I have included a packet of materials for your consideration. Stacey Otterstrom, my Boards and

Appointments Advisor, is available as this appointment moves through the confirmation process. She can be reached at sotterstrom@mt.gov or by phone at (406) 444-4405.

Sincerely,

STEVE BULLOCK
Governor

March 8, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Friday, March 8, 2019, I am returning **Senate Bill 83** - Fitzpatrick, with amendments.

I have **vetoed Senate Bill 54** - Thomas.

Sincerely,

STEVE BULLOCK
Governor

March 8, 2019

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59601

The Honorable Greg Hertz
Speaker of the House
State Capitol
Helena, MT 59601

Dear President Sales and Speaker Hertz:

In accordance with the power vested in me as Governor by the Constitution and the laws of the

State of Montana, I hereby **return with amendments Senate Bill 83** (SB 83), "AN ACT ESTABLISHING ALLOWABLE AND PROHIBITED PRACTICES FOR PHARMACY BENEFIT MANAGERS AND OTHER THIRD-PARTY PAYERS; AMENDING SECTIONS 33-22-101 AND 33-22-170, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

SB 83 provides for some common-sense measures that will further modernize prescription drug benefits in the State of Montana. The legislation enjoyed overwhelming support, passing with nearly unanimous votes in both chambers. However, Section 1 Part D of the bill inadvertently includes language that would allow pharmaceutical benefit managers (PBM) to claw-back payments simply by forcing pharmacies to agree to the provision in take-it-or-leave-it contracts. As the PBM market continues to consolidate, the increased market concentration provides PBMs with negotiating leverage which enables them to dictate terms in contracts with community pharmacies.

The amendment I propose will make the bill mirror a similar state law that was enacted in North Dakota in 2017. It will allow small pharmacy owners to operate on a level playing field. Small pharmacy owners require stability and predictability in their businesses. This amendment will help achieve both, and ultimately help to keep Montana's small pharmacies in business and give Montana patients better access and more choices when filling prescriptions.

I respectfully ask for your support of this amendment.

Sincerely.

STEVE BULLOCK
Governor

Report No. 001, March 8, 2019

Governor's recommendations for amendments to **Senate Bill 83** (reference copy -- salmon) are as follows:

1. Page 1, line 14.
Following: "claim;"
Insert: "or"

2. Page 1, line 15.
Following: "adjudicated"
Strike: "; or"
Insert: "."

3. Page 1, line 16 through line 18.
Strike: subsection (d) in its entirety

March 8, 2019

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59601

The Honorable Greg Hertz
Speaker of the House
State Capitol
Helena, MT 59601

Dear President Sales and Speaker Hertz:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 54** (SB 54), "AN ACT GENERALLY REVISING INSURANCE LAWS RELATED TO MULTIPLE EMPLOYER WELFARE ARRANGEMENTS; ALLOWING A MULTIPLE EMPLOYER WELFARE ARRANGEMENT TO FORM UNDER A PATHWAY ESTABLISHED IN FEDERAL RULES; DELETING THE DEFINITION OF 'BONA FIDE ASSOCIATION'; REVISING ELIGIBILITY FOR CERTIFICATE OF AUTHORITY LAWS; REVISING REPORTING REQUIREMENTS; REVISING INSURANCE CODE APPLICATION TO MULTIPLE EMPLOYER WELFARE ARRANGEMENTS; AMENDING SECTIONS 33-35-102, 33-35-103, 33-35-202, 33-35-301, AND 33-35-306, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Last year, the federal government weakened consumer protections on a group of employer health plans called Multiple Employer Welfare Arrangements (MEWA). While MEWAs can serve an important role, without proper oversight bad actors in the MEWA industry have taken advantage of consumers. There have been several well-documented cycles of large-scale scams, fraud, and insolvencies involving entities purporting to be MEWAs. As a result, Montana is one of many states that have taken steps to enhance oversight of these entities in order to prevent fraud and abuse.

SB 54 would make it easier to sell plans in Montana that can deny coverage based on pre-existing conditions. It would also allow these plans to sell insurance across state lines, avoiding compliance with Montana-specific consumer protections, such as gender equality, the autism assured benefit, and other protections that exist specifically in Montana law. MEWAs can already operate in Montana if they do so legitimately, even if formed under the new federal guidance. If the federal guidance leads to a proliferation of bad actors, Montana needs to be sure we have the tools in the toolbox to protect businesses and consumers.

The United States Department of Labor most likely does not have the resources to protect consumers from these new "national" MEWAs that may sell across state lines under the new federal rules. Therefore, many states are taking steps to strengthen their state laws, allowing them more regulatory authority over these entities. SB 54 does not strengthen Montana laws to ensure proper oversight of the new MEWAs, and, in many ways, SB 54 does just the opposite by weakening existing state regulatory authority over them.

Finally, the provision incorporating the federal law into state statute is drafted in such a way that it would automatically incorporate any future changes in that law into Montana statute, thus limiting legislative authority.

For these reasons, I veto SB 54.

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

The following House bills, previously introduced, were referred to committees:
HB 150, introduced by F. Garner, J. Bachmeier, Bachmeier, referred to Energy and Telecommunications.
HB 214, introduced by V. Ricci, referred to Business, Labor, and Economic Affairs.
HB 286, introduced by A. Redfield, referred to Natural Resources.
HB 298, introduced by C. Pope, J. Bahr, M. Caferro, M. Funk, B. Grubbs, J. Keane, K. Kelker, S. Morigeau, C. Schreiner, R. Shaw, S. Stewart Peregoy, S. Vinton, J. Windy Boy, referred to Education and Cultural Resources.
HB 332, introduced by J. Kassmier, D. Bartel, B. Brown, E. Buttrey, J. Fuller, W. Galt, S. Hinebauch, L. Jones, D. Loge, F. Moore, A. Redfield, D. Skees, B. Tschida, referred to Agriculture, Livestock and Irrigation.
HB 343, introduced by B. Hamlett, M. Caferro, K. Dudik, S. Fitzpatrick, G. Hertz, J. Keane, N. McConnell, S. Sales, C. Schreiner, J. Sesso, J. Welborn, referred to State Administration.
HB 379, introduced by T. Manzella, S. Berglee, referred to Local Government.
HB 381, introduced by D. Dunn, referred to Agriculture, Livestock and Irrigation.
HB 388, introduced by M. Caferro, C. Pope, referred to Education and Cultural Resources.
HB 393, introduced by J. Kassmier, J. Bachmeier, D. Bedey, N. Duram, J. Fuller, W. Galt, D. Zolnikov, referred to Highways and Transportation.
HB 394, introduced by G. Hertz, referred to Taxation.
HB 416, introduced by R. Fitzgerald, E. Buttrey, C. Pope, M. Sweeney, M. Lang, referred to Business, Labor, and Economic Affairs.
HB 433, introduced by F. Moore, N. Ballance, M. Caferro, T. Jacobson, L. Jones, M. McNally, A. Olszewski, R. Osmundson, C. Smith, referred to Finance and Claims.
HB 441, introduced by K. White, D. Ankney, D. Bartel, M. Cuffe, A. Doane, W. Galt, S. Gunderson, B. Hamlett, D. Harvey, D. Kary, J. Kassmier, J. Keane, D. Loge, G. Pierson, J. Read, S. Sales, R. Shaw, D. Skees, M. Sweeney, J. Welborn, T. Welch, referred to Natural Resources.
HB 462, introduced by T. Burnett, referred to Taxation.
HB 476, introduced by J. Keane, D. Ankney, referred to Energy and Telecommunications.
HB 482, introduced by A. Doane, J. Windy Boy, referred to State Administration.
HB 489, introduced by M. Regier, referred to Taxation.
HB 497, introduced by W. Galt, G. Hertz, S. Sales, B. Tschida, referred to Fish and Game.
HB 502, introduced by T. Burnett, referred to Public Health, Welfare and Safety.

HB 505, introduced by W. Sales, referred to Natural Resources.
HB 506, introduced by S. Gunderson, F. Anderson, B. Beard, D. Bedey, B. Brown, W. Curdy, D. Fern, R. Fitzgerald, J. Fuller, W. Galt, R. Garcia, B. Grubbs, B. Hamlett, K. Kelker, C. Keogh, D. Mortensen, M. Noland, J. Read, A. Redfield, V. Ricci, M. Ryan, W. Sales, L. Sheldon-Galloway, D. Skees, B. Tschida, S. Vinton, T. Welch, K. White, T. Woods, referred to State Administration.
HB 513, introduced by C. Pope, referred to Energy and Telecommunications.
HB 518, introduced by E. Buttrey, W. McKamey, referred to Public Health, Welfare and Safety.
HB 520, introduced by R. Shaw, D. Ankney, E. Buttrey, M. Cuffe, G. Custer, J. Dooling, B. Hamlett, C. Knudsen, W. McKamey, D. Salomon, J. Small, J. Welborn, T. Welch, referred to Agriculture, Livestock and Irrigation.
HB 527, introduced by Z. Brown, referred to Taxation.
HB 529, introduced by F. Moore, referred to Public Health, Welfare and Safety.
HB 545, introduced by G. Pierson, referred to Public Health, Welfare and Safety.
HB 547, introduced by L. Bishop, referred to Business, Labor, and Economic Affairs.
HB 553, introduced by F. Moore, N. Ballance, D. Bedey, W. Galt, G. Hertz, K. Holmlund, M. Hopkins, L. Jones, J. Keane, R. Lynch, R. Osmundson, J. Sesso, referred to Finance and Claims.
HB 580, introduced by R. Knudsen, W. Curdy, G. Custer, J. Dooling, D. Fern, J. Fuller, B. Grubbs, S. Gunderson, J. Karjala, J. Krautter, D. Lenz, D. Loge, F. Mandeville, T. Moore, J. Read, A. Redfield, D. Skees, M. Sweeney, B. Usher, P. Webb, R. Webb, T. Welch, D. Zolnikov, referred to Highways and Transportation.
HB 583, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HB 584, introduced by S. Morigeau, referred to Business, Labor, and Economic Affairs.
HB 599, introduced by J. Windy Boy, B. Bessette, K. Dudik, M. Dunwell, J. Karjala, M. Ryan, J. Small, S. Webber, referred to Public Health, Welfare and Safety.

The following House joint resolutions, previously introduced, were referred to committees:

HJ 8, introduced by K. Dudik, F. Anderson, D. Ankney, D. Bedey, S. Berglee, K. Bogner, E. Buttrey, N. Duram, J. Fuller, F. Garner, T. Gauthier, W. McKamey, A. Olszewski, G. Pierson, D. Sands, R. Shaw, F. Smith, M. Weatherwax, referred to State Administration.
HJ 18, introduced by W. Galt, D. Bartel, D. Bedey, S. Berglee, M. Blasdel, K. Bogner, B. Brown, E. Buttrey, D. Dunn, J. Fuller, F. Garner, B. Hamlett, G. Hertz, S. Hinebauch, L. Jones, J. Kassmier, C. Knudsen, R. Knudsen, D. Lenz, D. Mortensen, A. Redfield, M. Regier, S. Sales, W. Sales, R. Shaw, D. Skees, B. Tschida, K. White, referred to Fish and Game.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 183 - Senator Blasdel moved consideration of **SB 183** be passed to the 51st legislative day. Without objection, so ordered.

SB 271 - Senator Lang moved **SB 271** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Fielder, Hinebauch.
Total 3

Absent or not voting: None.
Total 0

HB 105 - Senator Malek moved **HB 105** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Fielder, Hinebauch.
Total 3

Absent or not voting: None.
Total 0

HB 153 - Senator McClafferty moved **HB 153** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 44

Nays: Brown, Vance, Mr President.
Total 3

Paired: None.

Excused: Ankney, Fielder, Hinebauch.
Total 3

Absent or not voting: None.
Total 0

SB 44 - Senator Cohenour moved **SB 44** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 26

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Gillespie, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 21

Paired: None.

Excused: Ankney, Fielder, Hinebauch.
Total 3

Absent or not voting: None.
Total 0

SB 256 - Senator Ellsworth moved **SB 256** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Gross.
Total 1

Paired: None.

Excused: Ankney, Fielder, Hinebauch.
Total 3

Absent or not voting: None.
Total 0

HB 283 - Senator Esp moved **HB 283** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Fielder, Hinebauch.
Total 3

Absent or not voting: None.
Total 0

SB 224 - Senator Jacobson moved **SB 224** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 34

Nays: Blasdel, Brown, Cuffe, Ellsworth, Gillespie, Howard, Kary, Lang, Osmundson, Thomas, Vance, Webb, Mr President.
Total 13

Paired: None.

Excused: Ankney, Fielder, Hinebauch.
Total 3

Absent or not voting: None.
Total 0

SR 29 - Senator Sands moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 29**. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Fielder, Hinebauch.
Total 3

Absent or not voting: None.
Total 0

Senator Cohenour arose on a point of personal privilege and provided additional information in response to questions during discussion of **SB 44**.

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Fielder, Hinebauch.
Total 3

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House to appoint a conference Committee to confer on **Senate Amendments to House Bill 35**. The President appointed:

Senator Blasdel, Chair
Senator Vance
Senator Vuckovich

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 9:00 a.m., Saturday, March 9, 2019, the forty-eighth legislative day. Motion carried.

Senate adjourned at 1:44 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FORTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 9, 2019 — State Capitol

Senate convened at 9:02 a.m. President Sales presiding. Invocation by Senator Small. Pledge of Allegiance to the Flag.

Roll Call. Forty-four members present. Senators Ankney, Esp, Fielder, Hinebaugh, Vuckovich, and Webber, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/9/2019
Correctly printed: **SB 44**, **SB 224**, **SB 256**, **SB 271**, **SB 322**, **SR 16**, **HB 30**, **HB 44**, **HB 55**, **HB 58**, **HB 70**, **HB 105**, **HB 142**, **HB 151**, **HB 153**, **HB 154**, **HB 198**, **HB 247**, **HB 259**, **HB 283**, **HB 334**.
Signed by the Secretary of the Senate at 9:25 a.m., March 8, 2019: **SB 20**, **SB 25**.
Signed by the President at 4:00 p.m., March 8, 2019: **SB 20**, **SB 25**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/8/2019
SR 16, introduced resolution, be adopted.

Without objection, the committee report was adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 322, introduced by R. Webb, referred to Business, Labor, and Economic Affairs.

The following House bills, previously introduced, were referred to committees:

HB 48, introduced by L. Bishop (by request of the Department of Justice), referred to Judiciary.
HB 56, introduced by J. Keane (by request of the Environmental Quality Council), referred to Judiciary.
HB 318, introduced by F. Garner, referred to State Administration.
HB 467, introduced by D. Hayman, J. Ellis, referred to Energy and Telecommunications.
HB 498, introduced by J. Bahr, referred to Judiciary.
HB 512, introduced by J. Bachmeier, B. Mercer, referred to State Administration.
HB 514, introduced by K. Dudik, M. Dunwell, A. Redfield, C. Smith, D. Zolnikov, referred to Taxation.
HB 523, introduced by K. Sullivan, K. Dudik, referred to Business, Labor, and Economic Affairs.
HB 524, introduced by M. Weatherwax, J. Bahr, R. Farris-Olsen, R. Peppers, T. Runningwolf, J.

Small, S. Stewart Peregoy, S. Webber, J. Windy Boy, referred to State Administration.
HB 536, introduced by G. Custer, referred to State Administration.
HB 537, introduced by M. Regier, referred to Public Health, Welfare and Safety.
HB 542, introduced by B. Bessette, M. Caferro, K. Dudik, E. Kerr-Carpenter, S. Stewart Peregoy, referred to Public Health, Welfare and Safety.
HB 543, introduced by Z. Brown, referred to Judiciary.
HB 544, introduced by R. Lynch, D. Harvey, J. Keane, referred to Public Health, Welfare and Safety.
HB 549, introduced by K. Dudik, L. Bishop, referred to Judiciary.
HB 558, introduced by T. Winter, referred to Agriculture, Livestock and Irrigation.
HB 560, introduced by K. Kelker, referred to Public Health, Welfare and Safety.
HB 561, introduced by D. Zolnikov, referred to Judiciary.
HB 562, introduced by B. Grubbs, referred to Business, Labor, and Economic Affairs.
HB 567, introduced by D. Skees, S. Berglee, referred to Judiciary.
HB 576, introduced by D. Bedey, referred to Education and Cultural Resources.
HB 578, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
HB 579, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
HB 581, introduced by C. Knudsen, referred to Business, Labor, and Economic Affairs.
HB 585, introduced by B. Hamlett, B. Brown, S. Fitzpatrick, T. Jacobson, M. Lang, R. Lynch, G. Vuckovich, S. Webber, T. Welch, K. White, referred to Fish and Game.
HB 586, introduced by B. Hamlett, Z. Brown, E. Buttrey, W. Curdy, A. Doane, J. Ellsworth, T. Gauthier, B. Grubbs, S. Gunderson, J. Keane, M. Lang, T. Manzella, W. McKamey, D. Salomon, R. Shaw, G. Vance, R. Webb, S. Webber, T. Welch, K. White, referred to Agriculture, Livestock and Irrigation.
HB 589, introduced by M. Caferro, referred to Public Health, Welfare and Safety.
HB 590, introduced by D. Fern, referred to Judiciary.
HB 591, introduced by L. Sheldon-Galloway, referred to Judiciary.
HB 592, introduced by R. Fitzgerald, referred to Agriculture, Livestock and Irrigation.
HB 596, introduced by G. Pierson, T. Moore, referred to Public Health, Welfare and Safety.
HB 598, introduced by M. Hopkins, J. Bahr, A. Olsen, referred to Public Health, Welfare and Safety.
HB 601, introduced by J. Fuller, J. Kassmier, referred to Education and Cultural Resources.
HB 604, introduced by J. Karjala, J. Bahr, B. Bessette, K. Dudik, M. Dunwell, E. Kerr-Carpenter, B. Usher, P. Webb, referred to Public Health, Welfare and Safety.
HB 612, introduced by D. Bartel, W. Galt, D. Kary, J. Kassmier, M. Lang, F. Moore, M. Noland, B. Tschida, referred to State Administration.
HB 615, introduced by S. Morigeau, referred to Judiciary.
HB 617, introduced by B. Usher, referred to Business, Labor, and Economic Affairs.
HB 619, introduced by D. Zolnikov, D. Bedey, L. Jones, referred to Education and Cultural Resources.
HB 622, introduced by R. Farris-Olsen, A. Olsen, referred to Judiciary.
HB 624, introduced by T. Moore, referred to Business, Labor, and Economic Affairs.
HB 625, introduced by B. Mercer, referred to Natural Resources.

The following House joint resolutions, previously introduced, were referred to committees:

HJ 12, introduced by J. Read, D. Bedey, B. Brown, referred to Energy and Telecommunications.
HJ 17, introduced by W. Curdy, referred to Fish and Game.
HJ 20, introduced by J. Windy Boy, J. Bahr, B. Bessette, S. Morigeau, T. Runningwolf, S. Stewart Peregoy, M. Weatherwax, referred to State Administration.
HJ 24, introduced by W. McKamey, J. Fuller, referred to State Administration.
HJ 26, introduced by F. Mandeville, W. Galt, C. Glimm, G. Hertz, K. Holmlund, L. Jones, F. Moore, M. Regier, B. Tschida, referred to Judiciary.
HJ 27, introduced by W. McKamey, R. Shaw, referred to State Administration.
HJ 28, introduced by D. Bartel, D. Bedey, T. Burnett, A. Doane, D. Dunn, N. Duram, J. Fuller, W. Galt, C. Glimm, S. Greef, G. Hertz, S. Hinebauch, D. Kary, J. Kassmier, M. Lang, D. Lenz, B. Mercer, F. Moore, M. Noland, K. Regier, D. Skees, B. Tschida, G. Vance, P. Webb, R. Webb, K. White, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bogner in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 142 - Senator Gillespie moved **HB 142** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 151 - Senator Lang moved **HB 151** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 43

Nays: Regier.
Total 1

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 247 - Senator Salomon moved **HB 247** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 30 - Senator Cohenour moved **HB 30** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips,

Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 44 - Senator Cohenour moved **HB 44** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Webb, Welborn.
Total 34

Nays: Blasdel, Brown, Cuffe, Ellsworth, Howard, Kary, Olszewski, Smith C, Vance, Mr President.
Total 10

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 55 - Senator Gauthier moved **HB 55** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.

Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 58 - Senator Gillespie moved **HB 58** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 70 - Senator Gillespie moved **HB 70** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.

Total 6

Absent or not voting: None.
Total 0

HB 154 - Senator MacDonald moved **HB 154** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 259 - Senator Fitzpatrick moved **HB 259** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas excused at this time.

Senator Bogner moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Webb, Welborn, Mr President.
Total 43

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Thomas, Vuckovich, Webber.
Total 7

Absent or not voting: None.
Total 0

Majority Leader Thomas present at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 44 passed as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Webb, Welborn, Mr President.
Total 43

Nays: Vance.
Total 1

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

SB 224 passed as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Welborn.
Total 31

Nays: Blasdel, Brown, Ellsworth, Howard, Kary, Lang, Olszewski, Osmundson, Smith F, Thomas, Vance, Webb, Mr President.
Total 13

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

SB 256 passed as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 42

Nays: Gross, Phillips.
Total 2

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

SB 271 passed as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 105 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 153 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Webb, Welborn, Mr President.
Total 42

Nays: Keenan, Vance.
Total 2

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

HB 283 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: None.
Total 0

Paired: None.

Excused: Ankney, Esp, Fielder, Hinebauch, Vuckovich, Webber.
Total 6

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced and thanked the Pages for this week:

Emma Frank, from East Helena, sponsored by Senator Olszewski.
Grace Culmey from Clancy, sponsored by Senator Cohenour.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, March 11, 2019, the forty-ninth legislative day. Motion carried.

Senate adjourned at 9:48 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FORTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 11, 2019 — State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Gillespie. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/11/2019
Correctly printed: **SB 323**.
Correctly enrolled: **SR 29**.
Transmitted to the House: **SB 44**, **SB 224**, **SB 256**, **SB 271**, **HB 105**, **HB 153**, **HB 283**.
Signed by the Speaker at 9:30 a.m., March 11, 2019: **SB 20**, **SB 25**.
Delivered to the Governor at 10:22 a.m., March 11, 2019: **SB 20**, **SB 25**.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 323, introduced by R. Webb, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Pomnichowski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 228 - Senator Hoven moved **SB 228** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McConnell, McNally, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President. Total 40

Nays: Blasdel, Boland, Brown, Cohenour, Ellis, Fielder, Lang, McClafferty, Olszewski, Pomnichowski.

Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 269 - Senator MacDonald moved **SB 269** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 26

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 112 - Senator Olszewski moved **HB 112** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 86 - Senator Olszewski moved **HB 86** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Mr President.
Total 42

Nays: Cuffe, Hinebauch, Howard, Keenan, McConnell, Regier, Vance, Welborn.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 24 - Senator Gauthier moved **SB 24** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 32

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Lang, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 4 - Senator Ankney moved **HJ 4** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Pomnichowski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Smith F, Vuckovich.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 30 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 44 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 34

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Olszewski, Smith C, Thomas, Vance, Webb, Mr President.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 55 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 58 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 70 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 142 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 151 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 49

Nays: Welborn.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 154 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 247 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 259 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Smith F.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the coming week:

Nicole Ames from Helena, sponsored by Senator Sales
Garrett Kueber from Helena, sponsored by Senator Gauthier
Matthew Hudson from Missoula, sponsored by Senator Salomon
Caitlin Murphy from Colstrip, sponsored by Senator Ankney
KaydeeAnn TeSelle from Bozeman, sponsored by Senator Sales

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, March 12, 2019, the fiftieth legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FIFTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 12, 2019 — State Capitol

Senate convened at 1:02 p.m. President Sales presiding. Invocation by Senator Welborn. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Osmundson excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/12/2019
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the thirty-sixth through the fortieth legislative days, find the same to be correct.

Correctly printed: **SB 24**, **SB 228**, **SB 269**, **HB 86**, **HB 112**, **HJ 4**.
Examined by the sponsor and found to be correct: **SR 29**.
Transmitted to the House: **HB 30**, **HB 44**, **HB 55**, **HB 58**, **HB 70**, **HB 142**, **HB 151**, **HB 154**, **HB 247**, **HB 259**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/12/2019
SR 33, be adopted.
SR 37, be adopted.

HB 85, be concurred in.
HB 320, be concurred in.
HB 368, be concurred in.

LOCAL GOVERNMENT (Lang, Chair): 3/11/2019
HB 299, be concurred in.
HB 326, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 3/11/2019
HB 229, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 3/11/2019
HB 343, be concurred in.

TAXATION (Webb, Chair): 3/12/2019
SB 239, introduced bill, be amended as follows:

1. Title, page 1, line 4.
Following: "OPTIC"

Insert: "OR COAXIAL CABLE"

2. Title, page 1, line 5.
Following: "SECTIONS"
Insert: "15-6-135,"
Following: "15-6-156"
Insert: ","

3. Page 1, line 9.
Insert: "Section 1. Section 15-6-135, MCA, is amended to read:

"15-6-135. Class five property -- description -- taxable percentage. (1) Class five property includes:

(a) all property used and owned by cooperative rural electrical and cooperative rural telephone associations organized under the laws of Montana, except property owned by cooperative organizations described in 15-6-137(1)(a);

(b) air and water pollution control and carbon capture equipment as defined in this section;

(c) new industrial property as defined in this section;

(d) any personal or real property used primarily in the production of ethanol-blended gasoline during construction and for the first 3 years of its operation;

(e) all land and improvements and all personal property owned by a research and development firm, provided that the property is actively devoted to research and development;

(f) machinery and equipment used in electrolytic reduction facilities;

(g) all property used and owned by persons, firms, corporations, or other organizations that are engaged in the business of furnishing telecommunications services exclusively to rural areas or to rural areas and cities and towns of 1,200 permanent residents or less.

(2) (a) "Air and water pollution control and carbon capture equipment" means that portion of identifiable property, facilities, machinery, devices, or equipment certified as provided in subsections (2)(b) and (2)(c) and designed, constructed, under construction, or operated for removing, disposing, abating, treating, eliminating, destroying, neutralizing, stabilizing, rendering inert, storing, or preventing the creation of air or water pollutants that, except for the use of the item, would be released to the environment. This includes machinery, devices, or equipment used to capture carbon dioxide or other greenhouse gases. Reduction in pollutants obtained through operational techniques without specific facilities, machinery, devices, or equipment is not eligible for certification under this section.

(b) Requests for certification must be made on forms available from the department of revenue. Certification may not be granted unless the applicant is in substantial compliance with all applicable rules, laws, orders, or permit conditions. Certification remains in effect only as long as substantial compliance continues.

(c) The department of environmental quality shall promulgate rules specifying procedures, including timeframes for certification application, and definitions necessary to identify air and water pollution control and carbon capture equipment for certification and compliance. The department of revenue shall promulgate rules pertaining to the valuation of qualifying air and water pollution control and carbon capture equipment. The department of environmental quality shall identify and track compliance in the use of certified air and water pollution control and carbon capture equipment and report continuous acts or patterns of noncompliance at a facility to the department

of revenue. Casual or isolated incidents of noncompliance at a facility do not affect certification.

(d) To qualify for the exemption under subsection (5)(b)(i), the air and water pollution control and carbon capture equipment must be placed into service after January 1, 2014, for the purposes of environmental benefit or to comply with state or federal pollution control regulations. If the air or water pollution control and carbon capture equipment enhances the performance of existing air and water pollution control and carbon capture equipment, only the market value of the enhancement is subject to the exemption under subsection (5)(b)(i).

(e) Except as provided in subsection (2)(d), equipment that does not qualify for the exemption under subsection (5)(b)(i) includes but is not limited to equipment placed into service to maintain, replace, or repair equipment installed on or before January 1, 2014.

(f) A person may appeal the certification, classification, and valuation of the property to the state tax appeal board. Appeals on the property certification must name the department of environmental quality as the respondent, and appeals on the classification or valuation of the equipment must name the department of revenue as the respondent.

(3) (a) "New industrial property" means any new industrial plant, including land, buildings, machinery, and fixtures, used by new industries during the first 3 years of their operation. The property may not have been assessed within the state of Montana prior to July 1, 1961.

(b) New industrial property does not include:

(i) property used by retail or wholesale merchants, commercial services of any type, agriculture, trades, or professions unless the business or profession meets the requirements of subsection (4)(b)(v);

(ii) a plant that will create adverse impact on existing state, county, or municipal services; or

(iii) property used or employed in an industrial plant that has been in operation in this state for 3 years or longer.

(4) (a) "New industry" means any person, corporation, firm, partnership, association, or other group that establishes a new plant in Montana for the operation of a new industrial endeavor, as distinguished from a mere expansion, reorganization, or merger of an existing industry.

(b) New industry includes only those industries that:

(i) manufacture, mill, mine, produce, process, or fabricate materials;

(ii) do similar work, employing capital and labor, in which materials unserviceable in their natural state are extracted, processed, or made fit for use or are substantially altered or treated so as to create commercial products or materials;

(iii) engage in the mechanical or chemical transformation of materials or substances into new products in the manner defined as manufacturing in the North American Industry Classification System Manual prepared by the United States office of management and budget;

(iv) engage in the transportation, warehousing, or distribution of commercial products or materials if 50% or more of an industry's gross sales or receipts are earned from outside the state; or

(v) earn 50% or more of their annual gross income from out-of-state sales.

(5) (a) Except as provided in subsection (5)(b), class five property is taxed at 3% of its market value.

(b) (i) Air and water pollution control and carbon capture equipment placed in service after January 1, 2014, and that satisfies the criteria in subsection (2)(d) is exempt from taxation for a period of 10 years from the date of certification, after which the property is assessed at 100% of its taxable value.

(ii) Fiber optic or coaxial cable facilities, as defined in 15-6-156, installed and placed in service on or after [the effective date of this act] are exempt from taxation during installation and for a period of 5 years starting from the date of deployment, after which the property exemption is phased out at a rate of 20% a year, with the property being assessed at 100% of its taxable value after a 10-year period. In order to qualify for and maintain the exemption, the owner of fiber optic or coaxial cable facilities must reinvest the tax savings from the exemption for fiber optic or coaxial cable facilities within 2 years following the tax year in which the tax savings are received by the owner of fiber optic or coaxial cable facilities without charging the costs to the consumer.""
Renumber: subsequent sections

4. Page 2, line 17.
Following: "(b)"
Insert: "(i)"
Following: "Fiber optic"
Insert: "or coaxial cable"
Following: the second "optic"
Insert: "or coaxial"

5. Page 2, line 18.
Following: "optic"
Insert: "or coaxial"

6. Page 2, line 19.
Following: "optic"
Insert: "or coaxial cable"

7. Page 2, line 20.
Following: line 19
Insert: "(ii) The term does not include routers, head-end equipment, central office equipment and other electronics, and hardware or software not directly associated with the installation and deployment of fiber optic or coaxial cable facilities."

8. Page 2, line 22.
Following: "optic"
Insert: "or coaxial cable"

9. Page 2, line 25.
Following: "."
Insert: "In order to qualify for and maintain the exemption, the owner of fiber optic or coaxial cable facilities must reinvest the tax savings from the exemption for fiber optic or coaxial cable facilities within 2 years following the tax year in which the tax savings are received by the owner of fiber optic or coaxial cable facilities without charging the costs to the consumer."

10. Page 3, line 26.
Following: "optic"

Insert: "or coaxial cable"

11. Page 3, line 28.
Following: "15-6-156"
Insert: ", if the owner of fiber optic or coaxial cable facilities reinvests the tax savings from the exemption for fiber optic or coaxial cable facilities within 2 years following the tax year in which the tax savings are received by the owner of fiber optic or coaxial cable facilities without charging the costs to the consumer"

12. Page 4, line 4.
Following: "optic"
Insert: "or coaxial cable"

And, as amended, do pass.

SB 241, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "enforcement,"
Strike: "and"
Following: "roads"
Insert: ","
Strike: "and"

2. Page 1, line 18.
Following: "bridges"
Insert: ", and other transportation needs"

3. Page 3, line 24.
Following: "resolution."
Insert: "The additional levy for infrastructure authorized under this subsection (4)(d) terminates when the specified infrastructure debts and project costs are paid, unless the board submits and the qualified electors approve another levy for infrastructure."

And, as amended, do pass.

HB 16, be amended as follows:

1. Page 2, line 3.
Following: line 2
Insert: "(v) Projects funded with the loans must be subject to property taxes.
(vi) The maximum amount of a loan for any housing project is $1.5 million."

And, as amended, be concurred in.

HB 24, be concurred in.
HB 288, be amended as follows:

1. Page 5, line 8.
Following: "actuary"
Insert: ","
Strike: "and two"
Insert: "one"
Strike: "have"
Insert: "has"

2. Page 5, line 9.
Following: "individuals"
Insert: ", and one of whom has a disability"

3. Page 14, line 17.
Following: "**applicability.**"
Insert: "(1)"
Strike: "[This"
Insert: "Except as provided in subsection (2), [this"

4. Page 14, line 19.
Following: line 18
Insert: "(2) [Section 4], amending 53-25-105, does not impact an existing public member's term on the program oversight committee."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced and read first time:

SB 324, introduced by T. Jacobson.
SB 325, introduced by S. Fitzpatrick.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 43, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 31 - Senator Howard moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 31**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SR 34 - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 34**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SR 35 - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 35**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 267 - Senator Sands moved **SB 267** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 34

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Fielder, Hinebauch, Hoven, Howard, Kary, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 15

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.

Total 0

HB 33 - Senator Webber moved **HB 33** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 34

Nays: Bogner, Brown, Ellsworth, Fielder, Hinebauch, Hoven, Howard, Kary, Lang, Regier, Smith C, Tempel, Vance, Webb, Mr President.
Total 15

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SR 16 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 16**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

HB 198 - Senator K. Regier moved **HB 198** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

HB 334 - Senator Sands moved **HB 334** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 24 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 33

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Olszewski, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 16

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 228 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier,

Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 40

Nays: Blasdel, Boland, Brown, Cohenour, Ellis, Fielder, McClafferty, Olszewski, Pomnichowski.
Total 9

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

SB 269 passed as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 26

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 23

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

HB 86 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 34

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, McConnell,

Regier, Smith C, Vance, Welborn, Mr President.
Total 15

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

HB 112 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Webber.
Total 18

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

HJ 4 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Webber.
Total 18

Paired: None.

Excused: Osmundson.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, March 13, 2019, the fifty-first legislative day. Motion carried.

Senate adjourned at 2:09 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 13, 2019 — State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Esp. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/13/2019
Correctly printed: **SB 267**, **SB 324**, **SB 325**, **SR 33**, **SR 37**, **SR 43**, **HB 24**, **HB 33**, **HB 85**, **HB 198**, **HB 229**, **HB 299**, **HB 320**, **HB 326**, **HB 334**, **HB 343**, **HB 368**.
Correctly engrossed: **SB 239**, **SB 241**, **SB 247**, **HB 16**, **HB 205**, **HB 288**.
Correctly enrolled: **SR 16**, **SR 31**, **SR 34**, **SR 35**.
Transmitted to the House: **SB 24**, **SB 228**, **SB 269**, **HB 86**, **HB 112**, **HJ 4**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/13/2019
SB 125, introduced bill, be amended as follows:

1. Page 1, line 28.
Strike: "The following types of disability"
Insert: "Disability"

2. Page 1, line 29.
Following: "[section 8]"
Insert: "if the insurers solely issue or administer one or more of the following coverage types under the Montana Insurance Code"

3. Page 2, line 2.
Following: "(c)"
Strike: "medicare supplement insurance as described in chapter 22, part 9; and"
Insert: "excepted benefits as defined in 33-22-140;"

4. Page 2, line 3.
Following: "part 11"
Insert: "; or
(e) disability income insurance as defined in 33-1-235"

5. Page 3.
Following: line 30
Insert: "(b) examine the affairs of the board and program;"

Renumber: subsequent subsections

6. Page 4.
Following: line 30
Insert: "(3) The board may be audited by the legislative auditor."
Renumber: subsequent subsections

7. Page 5, line 21.
Strike: "1%"
Insert: "1.2%"

8. Page 5, line 21 through line 23.
Following: "from 2019" on line 21
Strike: "for" on line 21 through "33-1-207" on line 23

9. Page 5, line 25 through line 29.
Strike: subsection (ii) in its entirety
Insert: "(ii) For purposes of subsection (1)(a)(i), total premium volume may not include premiums that member insurers collect on any coverage issued for excepted benefits as defined in 33-22-140."

10. Page 6, line 5.
Following: "(2)"
Strike: "No later than April 1 of each year, the"
Insert: "The"

11. Page 8, line 9.
Following: line 8
Insert: "(6) The board has no responsibility to pay claims if funds are unavailable. Nothing in [sections 1 through 15] creates an obligation of the state to pay claims."

12. Page 9, line 2.
Following: "**Section 14.**"
Strike: "**Special revenue account**"
Insert: "State and federal special revenue accounts"
Following: "(1)"
Insert: "(a)"

13. Page 9, line 5.
Strike: "(2)"
Insert: "(b)"

14. Page 9, line 6.
Strike: "(a)"
Insert: "(i)"

15. Page 9, line 7 through line 8.
Strike: subsection (b) through subsection (c) in their entirety

16. Page 9, line 9.
Strike: "(d)"
Insert: "(ii)"

17. Page 9, line 10.
Strike: "(e)"
Insert: "(iii)"

18. Page 9, line 11.
Strike: "(3)"
Insert: "(c)"

19. Page 9, line 13.
Following: line 12
Insert: "(2) There is an account in the federal special revenue fund to the credit of the board and administered by the commissioner for the benefit of the program. There must be deposited in the account:
(a) federal funding allocated as a result of a section 1332 waiver application;
(b) any federal or grant funding; and
(c) any interest and income earned on the account."

20. Page 9, line 18.
Following: line 17
Insert: "NEW SECTION. **Section 16. Transition.** Within 1 year after [the effective date of this act], the board of directors may apply an initial administrative assessment on Montana reinsurance association members. The initial assessment must be approved by the insurance commissioner. The initial administrative assessment may pay for costs associated with the submission of the state innovation waiver pursuant to [section 15] and initial costs of the program."
Renumber: subsequent sections

And, as amended, do pass.

SR 32, be adopted.
HB 370, be concurred in.
HB 373, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 3/13/2019
SB 200, do pass.
HB 237, be concurred in.
HB 422, be concurred in.
HB 436, be concurred in.
HB 444, be concurred in.

FISH AND GAME (Fielder, Chair): 3/12/2019
SB 247, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "REPEALING"
Insert: "EXTENDING"

2. Page 3, line 16.
Following: "(6)"
Insert: "(a)"
Strike: "The"
Insert: "From May 8, 2007, through June 30, 2029, the"

3. Page 3, line 23.
Following: line 22
Insert: "(b) After June 30, 2029, the department of fish, wildlife, and parks may not change the appropriation rights that it holds in fee simple to instream flow purposes on any stream reaches.

(7) After June 30, 2029, the department of fish, wildlife, and parks may not enter into any new lease agreements pursuant to this section or renew any leases that will expire after that date."

And, as amended, do pass.

HB 29, be concurred in.
HB 205, be amended as follows:

1. Page 1, line 28.
Following: "acres, is"
Insert: "not"
Following: "department to"
Strike: "not"

And, as amended, be concurred in.

HB 239, be concurred in.
HB 348, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to **House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

3/12/2019

HB 90, introduced by S. Gunderson

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced and read first time:

SB 326, introduced by N. McConnell, S. Fitzpatrick.
SB 327, introduced by A. Olszewski.
SB 328, introduced by T. Richmond.
SB 329, introduced by T. Richmond.
SB 330, introduced by M. Blasdel, K. Bogner, E. Buttrey, S. Fitzpatrick, W. Galt, G. Hertz, C. Knudsen, R. Lynch, F. Mandeville, S. Morigeau, C. Schreiner, R. Webb.

The following Senate joint resolution was introduced and read first time:

SJ 17, introduced by S. Malek, D. Hayman, M. MacDonald, E. McClafferty.

The following Senate bills, previously introduced, were referred to committees:

SB 324, introduced by T. Jacobson, referred to Judiciary.
SB 325, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ellsworth in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 183 - Senator Blasdel moved **SB 183** do pass.

SB 183 - Senator Blasdel moved **SB 183**, second reading copy, be amended as follows:

1. Page 1, line 20.
Following: "LEGISLATION."
Insert: "Historical horseracing terminals may not be placed in service in the state prior to the reauthorization of [this act] by the 2021 legislature."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 183 - Senator Gauthier moved **SB 183**, second reading copy, be further amended as follows:

1. Page 1, line 26.
Following: line 25
Insert: "(3) Nothing in this section may be construed to allow the board of horseracing to offer historical horseracing. This section authorizes the board of horseracing to develop proposed rules and legislation relating to the implementation of historical horseracing to present to the economic affairs interim committee and to the 2021 legislature for possible approval of historical horseracing."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Pomnichowski, Richmond, Sands, Small, Tempel, Webber, Welborn.
Total 26

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Hinebauch, Howard, Jacobson, Kary, Lang, McConnell, Osmundson, Phillips, Regier, Salomon, Sesso, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Mr President.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 183 - As amended, **SB 183 failed** to pass as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Gillespie, Jacobson, Kary, McConnell, McNally, Phillips, Pomnichowski, Sesso, Small, Smith F, Thomas, Vance, Webb, Mr President.
Total 20

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gross, Hinebauch, Hoven, Howard, Keenan, Lang, MacDonald, Malek, McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Smith C, Tempel, Vuckovich, Webber, Welborn.
Total 30

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 183 - Majority Leader Thomas moved **SB 183** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Blasdel, Brown, Cuffe, Jacobson, Sesso, Thomas, Vance, Mr President.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 18 - Senator MacDonald moved **SB 18** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Thomas, Vuckovich, Webb, Webber.
Total 28

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Small, Smith C, Tempel, Vance, Welborn, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 170 - Senator Hoven moved **SB 170** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 38

Nays: Brown, Esp, Fielder, Hinebauch, Kary, Keenan, Osmundson, Smith C, Thomas, Vance, Welborn, Mr President.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 204 - Senator MacDonald moved **SB 204** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 26

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 2 - **House Amendments** - Senator MacDonald moved House amendments to **SB 2** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Ellsworth.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 58 - **House Amendments** - Senator Salomon moved House amendments to **SB 58** be concurred in.

Senator Blasdel assumed the chair.

Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Tempel, Vuckovich, Webber, Welborn.

Total 34

Nays: Boland, Brown, Cohenour, Ellsworth, Esp, Fielder, Hinebauch, Kary, Olszewski, Regier, Smith C, Smith F, Thomas, Vance, Webb, Mr President.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 83 - **Governor's Amendments** - Senator Fitzpatrick moved the Governor's amendments to **SB 83** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Ellsworth moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally,

Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Mr President.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 18**, **SB 170**, and **SB 204**, all heard on second reading this date, be re-referred to the Finance and Claims Committee. Minority Leader Sesso objected to the inclusion of **SB 18** in the re-referral motion.

President Sales segregated **SB 18** from the motion and, without objection, ordered **SB 170** and **SB 204** be re-referred to the Finance and Claims Committee. **SB 18** was re-referred, by vote, as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 267 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 33

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 33 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 33

Nays: Bogner, Brown, Ellsworth, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Tempel, Vance, Webb, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 198 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 334 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, March 14, 2019,

the fifty-second legislative day. Motion carried.

Senate adjourned at 2:30 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FIFTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 14, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Lang. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present; Senators Esp and Thomas, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/14/2019
Correctly printed: **SB 200**, **SB 326**, **SB 327**, **SB 328**, **SB 329**, **SB 330**, **SR 32**, **SJ 17**, **HB 29**, **HB 237**, **HB 239**, **HB 348**, **HB 370**, **HB 373**, **HB 422**, **HB 436**, **HB 444**.
Correctly engrossed: **SB 125**, **HB 15**, **HB 54**, **HB 98**, **HB 126**, **HB 158**, **HB 166**, **HB 326**, **HB 450**.
Examined by the sponsor and found to be correct: **SJ 16**, **SJ 31**, **SJ 34**, **SJ 35**.
Transmitted to the House: **SB 267**, **HB 33**, **HB 198**, **HB 334**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/14/2019
HB 323, be concurred in.
HB 382, be concurred in.
HB 450, be amended as follows:

1. Title, page 1, line 11.
Strike: "AND"

2. Title, page 1, line 12.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 14, line 17.
Following: line 16
Insert: "NEW SECTION. **Section 9. Effective date.** [This act] is effective July 1, 2019."

And, as amended, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/13/2019
HB 158, be amended as follows:

1. Page 1.
Following: line 19
Insert: "(b) did not receive a dishonorable or other than honorable discharge;"

Renumber: subsequent subsections

2. Page 1, line 23.
Strike: "3.0"
Insert: "2.5"

And, as amended, be concurred in.

HB 212, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 3/13/2019
SB 302, do pass.

JUDICIARY (Regier, Chair): 3/14/2019
HB 54, be amended as follows:

1. Title, page 1, line 6.
Strike: "STATE, COUNTY, AND MUNICIPAL"
Following: "AUTHORITIES"
Insert: "IN THE STATE"

2. Title, page 1, line 7.
Strike: "SECTIONS 44-2-502 AND"
Insert: "SECTION"

3. Page 1, line 11 through line 12.
Strike: "**-- legislative intent**"

Strike: "STATE" on line 11 through "MUNICIPAL" on line 12

4. Page 1, line 12.
Following: "~~state~~"
Insert: "in the state"

5. Page 1, line 26 through line 30.
Strike: subsection (4) in its entirety

6. Page 2, line 2 through line 16.
Strike: section 2 in its entirety
Renumber: subsequent sections

7. Page 2, line 20.
Strike: "STATE" through "MUNICIPAL"
Following: "~~state~~"
Insert: "in the state"

And, as amended, be concurred in.

HB 98, be amended as follows:

1. Page 4, line 9.
Following: "take"
Strike: "a"
Insert: "the"
Following: "office"
Insert: "prescribed in Article III, section 3, of the Montana constitution"

And, as amended, be concurred in.

HB 99, be concurred in.
HB 155, be concurred in.
HB 322, be concurred in.

LOCAL GOVERNMENT (Lang, Chair): 3/13/2019
HB 15, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "ESTABLISHING" on line 6 through "VEHICLES;" on line 7

2. Page 6, line 16 through page 7, line 7.
Strike: section 4 in its entirety

3. Page 7, line 9 through line 11.
Strike: section 5 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 3/13/2019
HB 383, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/13/2019
HB 290, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 3/13/2019
HB 126, be amended as follows:

1. Title, page 1, line 5.
Strike: "$10"
Insert: "$8"

2. Title, page 1, line 6.
Strike: "$6"
Insert: "$5"

3. Page 2, line 4.
Strike: "$10"
Insert: "$8"

4. Page 2, line 5.
Strike: "$6"
Insert: "$5"

And, as amended, be concurred in.

HB 137, be concurred in.
HB 164, be concurred in.
HB 166, be amended as follows:

1. Page 1, line 27.
Following: "place."
Insert: "If an election administrator has the capacity to print a larger version of a sample ballot, a sample ballot must be printed and displayed in a size larger than an actual ballot."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 331, introduced by T. Richmond, D. Ankney, referred to Energy and Telecommunications.
SB 332, introduced by R. Webb, referred to Taxation.

The following Senate bills were introduced and read first time:

SB 333, introduced by J. Cohenour, E. McClafferty, J. Pomnichowski.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 18, introduced by D. Sands, referred to Judiciary.
SJ 19, introduced by D. Sands, referred to Judiciary.

The following Senate joint resolution was introduced and read first time:

SJ 20, introduced by J. Welborn.

The following Senate bills, previously introduced, were referred to committees:

SB 326, introduced by N. McConnell, S. Fitzpatrick, referred to State Administration.
SB 327, introduced by A. Olszewski, referred to Business, Labor, and Economic Affairs.
SB 328, introduced by T. Richmond, referred to Energy and Telecommunications.
SB 329, introduced by T. Richmond, referred to Natural Resources.

The following Senate joint resolution, previously introduced, was referred to committee:

SJ 17, introduced by S. Malek, D. Hayman, M. MacDonald, E. McClafferty, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator C. Smith moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McClafferty in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 33 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 33**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Thomas.
Total 2

Absent or not voting: None.
Total 0

SR 37 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 37**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 85 - Senator Gauthier moved **HB 85** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 43

Nays: Cohenour, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 6

Paired: Thomas, Aye; Cohenour, No.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 320 - Senator Fitzpatrick moved **HB 320** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 368 - Senator Sesso moved **HB 368** be concurred in.

HB 368 - Senator D. Brown moved **HB 368**, second reading copy, be amended as follows:

1. Page 2, line 16.
Following: line 15
Insert: "(v) This subsection (1)(c) authorizes the dice game of cee-lo to be played only in establishments located in Montana counties with a total area of less than 1,000 square miles."

Amendment **not** adopted as follows:

Yeas: Brown, Ellis, Gillespie, Hinebauch, Hoven, Howard, Keenan, Malek, Regier, Salomon, Sands, Smith C.
Total 12

Nays: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Sesso, Small, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 36

Paired: None.

Excused: Esp, Thomas.
Total 2

Absent or not voting: None.

Total 0

HB 368 - Senator Malek moved **HB 368**, second reading copy, be amended as follows:

1. Page 2, line 16.
Following: line 15
Insert: "(v) A person who is married and cares for dependent children may not participate in a game of cee-lo unless the person has authorization from the person's spouse. Authorization must:
(A) be in writing;
(B) be signed and notarized by the person's spouse; and
(C) clearly and unequivocally authorize a person to participate in playing cee-lo, including authorizing how much money may be bet by the person and how long the permission is valid."

Amendment **not** adopted as follows:

Yeas: Brown, Ellis, Gillespie, Gross, Hoven, MacDonald, Malek, Osmundson, Regier, Sands.
Total 10

Nays: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 38

Paired: None.

Excused: Esp, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 368 - Thereupon, the Senate reverted to the original motion of Senator Sesso which passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Ellsworth, Fitzpatrick, Flowers, Gauthier, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Phillips, Richmond, Salomon, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 29

Nays: Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Gillespie, Gross, Hinebauch, Hoven,

Howard, Malek, Olszewski, Osmundson, Pomnichowski, Regier, Sands, Smith C, Tempel, Webber.
Total 21

Paired: Thomas, Vance, Aye; Esp, Smith C, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 299 - Senator McConnell moved **HB 299** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn.
Total 39

Nays: Cuffe, Fielder, Hinebauch, Kary, Olszewski, Regier, Smith C, Vance, Mr President.
Total 9

Paired: None.

Excused: Esp, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 326 - Senator Lang moved **HB 326** be concurred in.

HB 326 - Senator Ellsworth moved **HB 326**, second reading copy, be amended as follows:

1. Page 1, line 12.
Following: "law."
Insert: "(2)(a) A person seeking election to more than one special purpose district board may run for more than one position only if the person runs unopposed for all potential positions.

(b) If a position was unopposed at the time the person filed for the position and later becomes opposed during the course of an election campaign, the person running for more than one special purpose district board shall choose to run for one preferred special purpose district board and withdraw candidacy from all other special purpose district board positions."

Renumber: subsequent subsections

2. Page 1, line 18.
Insert: "(c) "Unopposed" means the number of candidates at the time of the election for each special purpose district board position is equal to or less than the number of positions available on each respective board."

Amendment **adopted** as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Flowers, Hinebauch, Howard, Kary, Lang, McConnell, Osmundson, Phillips, Pomnichowski, Richmond, Sesso, Small, Smith C, Vance, Webber, Mr President.
Total 25

Nays: Ankney, Cuffe, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McNally, Olszewski, Regier, Salomon, Sands, Smith F, Tempel, Vuckovich, Webb, Welborn.
Total 23

Paired: None.

Excused: Esp, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 326 - As amended, **HB 326** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Bogner.
Total 1

Paired: None.

Excused: Esp, Thomas.
Total 2

Absent or not voting: None.

Total 0

Senator C. Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator McClafferty moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Kary.
Total 1

Paired: None.

Excused: Esp, Thomas.
Total 2

Absent or not voting: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill, previously introduced, was referred to committee:

SB 330, introduced by M. Blasdel, K. Bogner, E. Buttrey, S. Fitzpatrick, W. Galt, G. Hertz, C. Knudsen, R. Lynch, F. Mandeville, S. Morigeau, C. Schreiner, R. Webb, referred to Business, Labor, and Economic Affairs.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 2 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 58 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vuckovich, Webber, Welborn, Mr President.
Total 40

Nays: Brown, Ellsworth, Fielder, Hinebauch, Kary, Regier, Vance, Webb.
Total 8

Paired: None.

Excused: Esp, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 83 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Thomas.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

President Pro Tempore Blasdel moved that **SB 322** be taken from the Business, Labor and Economic Affairs Committee and re-referred to the Taxation Committee. Without objection, so ordered.

President Pro Tempore Blasdel moved the Senate reconsider its action on **SB 183**, indefinitely postponed the previous day, and that **SB 183** be placed on second reading the next legislative day. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Flowers, Gillespie, Gross, Jacobson, Kary, Malek, McConnell, McNally, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sesso, Small, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Keenan, Lang, MacDonald, McClafferty, Pomnichowski, Regier, Sands, Smith C, Vuckovich.
Total 21

Paired: Kary, Thomas, Aye; Esp, Smith C, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator C. Smith moved the Senate adjourn until 1:00 p.m., Friday, March 15, 2019, the fifty-third legislative day. Motion carried.

Senate adjourned at 1:58 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 15, 2019 — State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Brown. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present; Senators Esp and Phillips, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/15/2019
Correctly printed: **SB 183**, **SB 302**, **SB 331**, **SB 332**, **SB 333**, **SJ 18**, **SJ 19**, **SJ 20**, **HB 85**, **HB 99**, **HB 137**, **HB 155**, **HB 164**, **HB 212**, **HB 290**, **HB 299**, **HB 320**, **HB 322**, **HB 323**, **HB 368**, **HB 382**, **HB 383**.
Correctly engrossed: **HB 132**, **HB 192**.
Correctly enrolled: **SB 2**, **SB 58**, **SR 33**, **SR 37, SJ 12**.
Examined by the sponsor and found to be correct: **SR 33**, **SR 37**.
Signed by the Secretary of the Senate at 3:50 p.m., March 14, 2019: **SR 16**, **SR 29**, **SR 31**, **SR 34**, **SR 35**.
Signed by the President at 11:00 a.m., March 15, 2019: **SR 16**, **SR 29**, **SR 31**, **SR 34**, **SR 35**.
Delivered to the Secretary of State at 4:18 p.m., March 15, 2019: **SR 16**, **SR 29**, **SR 31**, **SR 34**, **SR 35**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 3/14/2019
HB 132, introduced bill, be amended as follows:

1. Page 2, line 9.
Strike: "NEVER"
Insert: "not"

2. Page 3, line 27.
Strike: "NEVER"
Insert: "not"

3. Page 7, line 10.
Strike: "NEVER"
Insert: "not"

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 3/15/2019
HB 192, be amended as follows:

1. Page 1, line 26.
Following: "anus,"
Insert: "buttocks,"

2. Page 2, line 22.
Strike: "or"
Insert: ","
Following: "(1)(b),"
Insert: "or (1)(d),"

3. Page 2, line 24.
Following: "(1)(a)"
Strike: "or"
Insert: ","
Following: "(1)(b)"
Insert: ", or (1)(d)"

And, as amended, be concurred in.

HB 238, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate joint resolution concurred in and returned to the Senate: 3/14/2019

SJ 12, introduced by M. Cuffe

Senate amendments to House bill concurred in: 3/14/2019

HB 55, introduced by F. Mandeville

House bills passed and transmitted to the Senate for concurrence: 3/14/2019

HB 218, introduced by S. Vinton
HB 351, introduced by W. McKamey
HB 387, introduced by L. Jones

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committees:

SB 334, introduced by B. Hoven, T. Jacobson, referred to Taxation.

The following Senate bill, previously introduced, was referred to committee:

SB 333, introduced by J. Cohenour, E. McClafferty, J. Pomnichowski, referred to Fish and Game.

The following Senate joint resolution, previously introduced, was referred to committee:

SJ 20, introduced by J. Welborn, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 218, introduced by S. Vinton, F. Anderson, D. Ankney, J. Bachmeier, J. Bahr, K. Dudik, D. Fern, M. Funk, J. Gross, B. Grubbs, K. Kelker, E. Kerr-Carpenter, D. Loge, M. MacDonald, D. Mortensen, V. Ricci, T. Richmond, P. Webb, T. Welch, referred to Education and Cultural Resources.
HB 351, introduced by W. McKamey, F. Anderson, B. Beard, D. Bedey, M. Blasdel, K. Bogner, S. Fitzpatrick, M. Funk, B. Grubbs, G. Hertz, L. Jones, J. Kassmier, D. Loge, S. Morigeau, T. Runningwolf, D. Salomon, S. Vinton, P. Webb, referred to Education and Cultural Resources.
HB 387, introduced by L. Jones, N. Ballance, D. Bedey, S. Berglee, M. Blasdel, K. Bogner, K. Dudik, W. Galt, F. Garner, B. Hamlett, G. Hertz, E. McClafferty, W. McKamey, F. Moore, D. Salomon, R. Shaw, F. Thomas, B. Tschida, S. Webber, T. Welch, T. Woods, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gross in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 370 - Senator Fitzpatrick moved **HB 370** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

SB 247 - Senator Cohenour moved **SB 247** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

HB 373 - Senator Fitzpatrick moved **HB 373** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

HB 29 - Senator Flowers moved **HB 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Howard, Salomon, Tempel.
Total 3

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

HB 90 - **Governor's Amendments** - Senator Small moved Governor's amendments to **HB 90** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

HB 205 - Senator Flowers moved **HB 205** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

HB 239 - Senator Fielder moved **HB 239** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Smith F, Vuckovich.
Total 2

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

HB 348 - Senator Ellsworth moved **HB 348** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Ankney, McClafferty, Smith F.
Total 3

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

SB 183 - Senator Blasdel moved **SB 183** do pass.

SB 183 - Senator Blasdel moved **SB 183**, second reading copy, be amended as follows:

1. Page 1, line 26.

Following: line 25
Insert: "(3) Nothing in this section may be construed to allow the board of horseracing to offer historical horseracing. This section authorizes the board of horseracing to develop proposed rules and legislation relating to the implementation of historical horseracing to present to the economic affairs interim committee and to the 2021 legislature for possible approval of historical horseracing."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

SB 183 - Senator Gauthier moved **SB 183**, second reading copy, be amended as follows:

1. Title, page 1, line 5 through line 7.
Strike: "GRANTING" on line 5 through "HORSERACING;" on line 7
Insert: "ALLOWING THE BOARD OF HORSERACING TO PRESENT A COMPLETE PROPOSAL OF HISTORICAL HORSERACING TO THE 2021 LEGISLATURE;"

2. Title, page 1, line 8.
Strike: "SECTIONS"
Insert: "SECTION"

3. Page 1, line 8 through line 9.
Following: "23-4-101," on line 8
Strike: "23-4-104" on line 8 through "23-4-302," on line 9

4. Page 1, line 16 through line 20.
Following: "hearings and rulemaking to" on line 16
Strike: "implement parimutuel" on line 16 through "LEGISLATION" on line 20
Insert: "present a complete proposal of historical horseracing to the 2021 legislature"

5. Page 1, line 24.

Strike: "adopt"
Insert: "prepare"

6. Page 1, line 25.
Following: "horseracing"
Insert: "to present to the 2021 legislature"

7. Page 2, line 30.
Following: "~~and~~"
Strike: "<u>,</u>"
Insert: "and"

8. Page 3, line 1 through line 2.
Following: "fantasy sports leagues"
Strike: "<u>, to conduct</u>" on line 1 through "<u>horseraces</u>" on line 2

9. Page 3, line 8.
Following: "mules"
Strike: "<u>,</u>"
Insert: "and"

10. Page 3, line 9.
Following: "greyhounds"
Strike: "<u>, and historical horseracing</u>"

11. Page 3, line 13.
Following: "outcome"
Strike: "<u>of simulcast or historical horseraces</u>"

12. Page 3, line 27 through page 10, line 25.
Strike: section 3 through section 9 in their entirety
Renumber: subsequent sections

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Mr President.
Total 41

Nays: Fielder, Howard, Osmundson, Regier, Smith C, Vance, Welborn.
Total 7

Paired: None.

Excused: Esp, Phillips.

Total 2

Absent or not voting: None.
Total 0

SB 183 - As amended, **SB 183** passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Jacobson, Kary, Malek, McConnell, McNally, Richmond, Salomon, Sesso, Small, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 26

Nays: Barrett, Boland, Cohenour, Ellis, Esp, Fielder, Gross, Hinebauch, Hoven, Howard, Keenan, Lang, MacDonald, McClafferty, Olszewski, Osmundson, Pomnichowski, Regier, Sands, Smith C, Smith F, Tempel, Vuckovich.
Total 23

Paired: Ankney, Aye; Esp, No.

Excused: Phillips.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Gross moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Kary, Olszewski.
Total 2

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 200 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 39

Nays: Bennett, Boland, Cohenour, Gross, MacDonald, Pomnichowski, Smith F, Vuckovich, Webber.
Total 9

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

SB 302 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

HB 85 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Fielder,

Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: Cohenour, Pomnichowski, Vuckovich, Webber.
Total 4

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

HB 299 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Pomnichowski, Richmond, Sands, Sesso, Small, Tempel, Vuckovich, Webb, Webber.
Total 32

Nays: Blasdel, Ellsworth, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Regier, Salomon, Smith C, Smith F, Thomas, Vance, Welborn, Mr President.
Total 16

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

HB 320 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

HB 368 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, Lang, MacDonald, McClafferty, McConnell, McNally, Richmond, Salomon, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 28

Nays: Boland, Brown, Cohenour, Cuffe, Ellis, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Malek, Olszewski, Osmundson, Pomnichowski, Regier, Sands, Smith C, Tempel.
Total 20

Paired: None.

Excused: Esp, Phillips.
Total 2

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

ANNOUNCEMENTS

Senator Barrett arose on a point of personal privilege and relayed a communication from the mayor of Missoula regarding the previous day's shooting in New Zealand.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, March 18, 2019, the fifty-fifth legislative day. Motion carried.

Senate adjourned at 2:15 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana
March 16, 2019

Senate Chambers
State Capitol

Senate did not meet in session this date.

SENATE JOURNAL
66TH LEGISLATURE
FIFTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 18, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator MacDonald. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Esp excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/18/2019
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the forty-first through the forty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 247**, **SB 334**, **HB 29**, **HB 205**, **HB 238**, **HB 239**, **HB 348**, **HB 370**, **HB 373**.
Correctly engrossed: **SB 183**.
Examined by the sponsor and found to be correct: **SB 2**, **SB 58**, **SJ 12**.
Transmitted to the House: **SB 200**, **SB 302**, **HB 85**, **HB 299**, **HB 320**, **HB 368**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/15/2019
SR 17, be adopted.
SR 18, be adopted.
SR 19, be adopted.
HB 388, be concurred in.
HB 619, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

Regarding appointments to the Board of Oil and Gas Conservation and the Transportation Commission:

March 8, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620 — By Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the included list of board, council and commission appointments for confirmation.

I have included the appropriate statutes and appointees' resumes, biography or other qualification documentation for your consideration.

Stacey Otterstrom, my Boards and Appointments Advisor is available as these appointments move through the confirmation process. She can be reached at (406) 444-4405 or by email at sotterstrom@mt.gov.

Sincerely,

STEVE BULLOCK
Governor

Regarding appointments to the Fish and Wildlife Commission, the Board of Personnel Appeals, the Public Employees' Retirement Board, the Board of Regents of Higher Education, and the Transportation Commission:

March 15, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620 By Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the included list of board, council, and commission appointments for configuration.

I have included the appropriate statutes and appointees' resumes, biography, or other qualification documentation for your consideration.

Stacey Otterstrom, my Boards and Appointments Advisor is available as these appointments move through the confirmation process. She can be reached at (406) 444-4405 or by email at sotterstrom@mt.gov.

Sincerely,

STEVE BULLOCK
Governor

March 18, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Monday, March 18, 2019, I signed **Senate Bill 25** -- Blasdel.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/15/2019

SB 56, introduced by J. Ellis
SB 57, introduced by J. Ellis
SB 91, introduced by D. Salomon
SB 137, introduced by S. Hinebauch

House bills passed and transmitted to the Senate for concurrence: 3/15/2019

HB 217, introduced by C. Knudsen
HB 295, introduced by F. Anderson
HB 423, introduced by E. Buttrey
HB 432, introduced by M. Marler
HB 638, introduced by D. Bedey

House bills passed and transmitted to the Senate for concurrence: 3/16/2019

HB 443, introduced by R. Fitzgerald
HB 633, introduced by B. Hamlett
HB 639, introduced by D. Bartel

House joint resolution passed and transmitted to the Senate for concurrence: 3/16/2019

HJ 14, introduced by B. Hamlett

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced and read first time:

SB 335, introduced by S. Fitzpatrick.
SB 336, introduced by J. Ellis, M. MacDonald.
SB 337, introduced by J. Welborn, J. Cohenour.
SB 338, introduced by T. Gauthier, J. Cohenour.
SB 339, introduced by J. Cohenour.
SB 340, introduced by R. Webb, E. Buttrey, J. Gross, B. Grubbs, B. Hoven, K. Kelker, M. MacDonald, M. McNally, T. Richmond, F. Thomas, J. Welborn.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 44, introduced by D. Ankney, referred to Energy and Telecommunications.

The following House bills were introduced, read first time, and referred to committees:

HB 217, introduced by C. Knudsen, K. Abbott, B. Beard, Z. Brown, G. DeVries, A. Doane, K. Dudik, D. Dunn, W. Galt, L. Jones, D. Lenz, R. Lynch, S. Morigeau, D. Mortensen, Z. Perry, D. Skees, B. Tschida, D. Zolnikov, referred to Judiciary.
HB 295, introduced by F. Anderson, D. Bedey, R. Fitzgerald, J. Fuller, M. Funk, F. Garner, B. Grubbs, J. Krautter, J. Krotkov, D. Loge, W. Sales, S. Vinton, T. Welch, referred to Education and Cultural Resources.
HB 423, introduced by E. Buttrey, D. Ankney, J. Dooling, J. Ellsworth, D. Fern, S. Fitzpatrick, R. Garcia, F. Garner, B. Grubbs, G. Hertz, B. Hoven, J. Krautter, D. Loge, R. Lynch, D. Mortensen, A. Olszewski, G. Pierson, K. Regier, T. Richmond, D. Salomon, C. Schreiner, R. Shaw, S. Vinton, T. Welch, J. Windy Boy, referred to Fish and Game.
HB 432, introduced by M. Marler, referred to Fish and Game.
HB 638, introduced by D. Bedey, N. Ballance, B. Hamlett, L. Jones, D. Salomon, referred to Finance and Claims.

The following House bills were introduced and read first time:

HB 443, introduced by R. Fitzgerald.
HB 633, introduced by B. Hamlett, N. Ballance, D. Bedey, L. Jones, D. Salomon.
HB 639, introduced by D. Bartel, B. Mercer, M. Noland, B. Tschida.

The following House joint resolution was introduced and read first time:

HJ 14, introduced by B. Hamlett, B. Brown, Z. Brown, J. Cohenour, C. Glimm, W. Sales, J. Welborn.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Malek in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 241 - Majority Leader Thomas moved consideration of **SB 241** be placed below **HB 158** on the second reading board. Without objection, so ordered.

SR 32 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 32**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 158 - Senator Bogner moved **HB 158** be concurred in. Senator Ankney disclosed this bill directly affects his family. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SB 241 - Senator Welborn moved **SR 241** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Webb, Webber, Welborn, Mr President.
Total 33

Nays: Bennett, Bogner, Brown, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Regier, Smith C, Tempel, Vance, Vuckovich.
Total 16

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 212 - Senator Salomon moved **HB 212** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 323 - Majority Leader Thomas moved **HB 323** be concurred in. Motion carried as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 25

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 24

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 382 - Senator Boland moved **HB 382** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.

Total 0

HB 450 - Senator Vance moved **HB 450** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 98 - Senator Fielder moved **HB 98** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 99 - Senator Sands moved **HB 99** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 155 - President Sales moved **HB 155** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 322 - Senator Hinebauch moved **HB 322** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith

C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 38

Nays: Barrett, Boland, Cohenour, Ellis, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Smith F.
Total 11

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Malek moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **HB 212**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 247 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 29 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Ankney, Tempel.
Total 2

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 205 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 239 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Smith F.
Total 1

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 326 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson,

Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Bogner.
Total 1

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 348 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 46

Nays: Ankney, Smith F, Welborn.
Total 3

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 370 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 373 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 90 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **HB 158**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the coming week:

Grace Cumley from Helena, sponsored by Senator Cohenour
Hank Dunn from Eureka, sponsored by Senator Cuffe
Annika Bennion from Sidney, sponsored by Senator Hinebaugh
Adam Track from Brockton, sponsored by Senator F. Smith

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, March 19, 2019, the fifty-sixth legislative day. Motion carried.

Senate adjourned at 2:14 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FIFTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 19, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Hinebaugh. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Esp excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/19/2019
Correctly printed: **SB 241**, **SB 335**, **SB 336**, **SB 337**, **SB 338**, **SB 339**, **SB 340**, **SR 17**, **SR 18**, **SR 19**, **SR 44**, **HB 98**, **HB 99**, **HB 155**, **HB 158**, **HB 212**, **HB 322**, **HB 323**, **HB 382**, **HB 388**, **HB 450**, **HB 619**.
Correctly enrolled: **SB 56**, **SB 57**, **SB 83**, **SB 91**, **SB 137**, **SR 32**.
Examined by the sponsor and found to be correct: **SB 56**, **SB 57**, **SB 91**, **SB 137**, **SR 32**.
Transmitted to the House: **SB 247**, **HB 29**, **HB 90**, **HB 205**, **HB 239**, **HB 326**, **HB 348**, **HB 370**, **HB 373**.
Signed by the Secretary of the Senate at 12:30 p.m., March 18, 2019: **SJ 12**.
Signed by the Secretary of the Senate at 12:35 p.m., March 18, 2019: **SR 33**, **SR 37**.
Signed by the Secretary of the Senate at 3:35 p.m., March 18, 2019: **SB 2**, **SB 58**.
Signed by the President at 6:15 p.m., March 18, 2019: **SJ 12**.
Signed by the President at 6:20 p.m., March 18, 2019: **SR 33**, **SR 37**.
Signed by the President at 6:30 p.m., March 18, 2019: **SB 2**, **SB 58**.
Signed by the Speaker at 9:30 a.m., March 19, 2019: **SB 2**, **SB 58**, **SJ 12**.
Delivered to the Secretary of State at 1:22 p.m., March 19, 2019: **SJ 12**.
Delivered to the Secretary of State at 2:36 p.m., March 19, 2019: **SR 33**, **SR 37**.
Delivered to the Governor at 2:45 p.m., March 19, 2019: **SB 2**, **SB 58**.

REPORTS OF STANDING COMMITTEES

TAXATION (Webb, Chair): 3/19/2019
SB 318, do pass.
HB 292, be concurred in.
HB 386, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/19/2019

SB 72, introduced by J. Sesso
SB 144, introduced by T. Jacobson
SB 207, introduced by T. Jacobson

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

3/19/2019

SB 46, introduced by J. Cohenour

Governor's amendments to **Senate bill** concurred in and returned to the Senate: 3/18/2019

SB 83, introduced by S. Fitzpatrick

House bills passed and transmitted to the Senate for concurrence: 3/19/2019

HB 389, introduced by J. Krautter
HB 525, introduced by Z. Brown

House joint resolution passed and transmitted to the Senate for concurrence: 3/19/2019

HJ 10, introduced by A. Doane

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 341, introduced by M. Blasdel, K. Bogner, E. Buttrey, M. Cuffe, S. Fitzpatrick, P. Flowers, W. Galt, F. Garner, B. Gillespie, G. Hertz, M. Hopkins, D. Howard, T. Jacobson, D. Kary, K. Regier, M. Regier, S. Sales, D. Salomon, R. Shaw, D. Skees, C. Smith, F. Thomas, R. Webb, J. Welborn, D. Zolnikov, referred to Natural Resources.
SB 342, introduced by D. Howard, M. Blasdel, D. Brown, J. Ellsworth, S. Hinebauch, D. Kary, B. Keenan, M. Lang, A. Olszewski, K. Regier, D. Salomon, F. Thomas, G. Vance, R. Webb, referred to Taxation.

The following Senate joint resolution was introduced and read first time:

SJ 21, introduced by J. Ellis, B. Bennett, D. Brown, M. Cuffe, D. Kary, R. Osmundson, F. Smith, G. Vance.

The following Senate bills, previously introduced, were referred to committees:

SB 335, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SB 336, introduced by J. Ellis, M. MacDonald, referred to Energy and Telecommunications.
SB 337, introduced by J. Welborn, J. Cohenour, referred to Energy and Telecommunications.

SB 338, introduced by T. Gauthier, J. Cohenour, referred to Finance and Claims.
SB 339, introduced by J. Cohenour, referred to Taxation.
SB 340, introduced by R. Webb, E. Buttrey, J. Gross, B. Grubbs, B. Hoven, K. Kelker, M. MacDonald, M. McNally, T. Richmond, F. Thomas, J. Welborn, referred to Taxation.

The following House bills, previously introduced, were referred to committees:

HB 443, introduced by R. Fitzgerald, referred to Agriculture, Livestock and Irrigation.
HB 456, introduced by C. Pope, referred to Energy and Telecommunications.
HB 535, introduced by C. Pope, referred to Judiciary.
HB 550, introduced by A. Redfield, referred to Highways and Transportation.
HB 633, introduced by B. Hamlett, N. Ballance, D. Bedey, L. Jones, D. Salomon, referred to Finance and Claims.
HB 639, introduced by D. Bartel, B. Mercer, M. Noland, B. Tschida, referred to Finance and Claims.

The following House joint resolution, previously introduced, was referred to committee:

HJ 14, introduced by B. Hamlett, B. Brown, Z. Brown, J. Cohenour, C. Glimm, W. Sales, J. Welborn, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator D. Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 192 - Senator Sands moved **HB 192** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 238 - Majority Leader Thomas moved consideration of **HB 238** be passed for the day. Without objection, so ordered.

HB 290 - Senator C. Smith moved **HB 290** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 21

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 383 - Senator Gillespie moved **HB 383** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 40

Nays: Boland, Cohenour, Gross, Jacobson, Malek, McClafferty, Phillips, Pomnichowski, Sesso.
Total 9

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 137 - Senator Bennett moved **HB 137** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Fielder, Howard, Lang, Regier.
Total 4

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 164 - Senator Kary moved **HB 164** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber.
Total 39

Nays: Blasdel, Fielder, Gross, Hinebauch, Hoven, Regier, Tempel, Vance, Welborn, Mr President.
Total 10

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from Yes to No by Senator Gross under Motions.

HB 166 - Senator Ellis moved **HB 166** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 29

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 20

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 24 - Senator Cohenour moved **HB 24** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator D. Brown moved the Committee of the Whole report be adopted. Report adopted as

follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **HB 24**, **HB 192**, and **HB 290**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Brown moved to suspend the rules to allow **SJ 13**, which failed the transmittal deadline for general bills, to be brought out of committee. Following discussion, Senator Brown withdrew the motion.

Senator Gross moved to change her second-reading vote on **HB 164** from Yes to No. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 183 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Kary, McClafferty, McConnell, McNally, Phillips, Richmond, Salomon, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Hinebauch, Hoven, Howard, Keenan, Lang, MacDonald, Malek, Olszewski, Osmundson, Pomnichowski, Regier, Sands, Smith C, Tempel.
Total 20

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

SB 241 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 33

Nays: Bennett, Bogner, Brown, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Tempel, Vance.
Total 16

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 98 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 99 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 155 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.

Total 1

Absent or not voting: None.
Total 0

HB 322 concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 38

Nays: Barrett, Boland, Cohenour, Ellis, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Smith F.
Total 11

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 323 concurred in as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 27

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Webber.
Total 22

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 382 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

HB 450 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Esp.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **HB 558** be taken from the Agriculture, Livestock, and

Irrigation Committee and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, March 20, 2019, the fifty-seventh legislative day. Motion carried.

Senate adjourned at 1:56 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FIFTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 20, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Fielder. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/20/2019
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the forty-sixth through the fiftieth legislative days, find the same to be correct.

Correctly printed: **SB 318**, **SB 341**, **SB 342**, **SJ 21**, **HB 24**, **HB 137**, **HB 164**, **HB 166**, **HB 192**, **HB 290**, **HB 292**, **HB 383**, **HB 386**, **HB 558**.
Correctly engrossed: **SB 173**, **SB 320**, **SJ 13**, **HB 327**.
Transmitted to the House: **SB 183**, **SB 241**, **HB 98**, **HB 99**, **HB 155**, **HB 322**, **HB 323**, **HB 382**, **HB 450**.
Signed by the Secretary of the Senate at 8:35 a.m., March 20, 2019: **SR 32**.
Signed by the Secretary of the Senate at 8:37 a.m., March 20, 2019: **SB 56**, **SB 57**, **SB 83**, **SB 91**, **SB 137**.
Signed by the President at 10:00 a.m., March 20, 2019: **SB 56**, **SB 57**, **SB 83**, **SB 91**, **SB 137**, **SR 32**.
Signed by the Speaker at 3:15 p.m., March 20, 2019: **SB 56**, **SB 57**, **SB 83**, **SB 91**, **SB 137**.
Delivered to the Secretary of State at 2:35 p.m., March 20, 2019: **SR 32**.
Delivered to the Governor at 3:40 p.m., March 20, 2019: **SB 56**, **SB 57**, **SB 91**, **SB 137**.
Delivered to the Governor at 4:25 p.m., March 20, 2019: **SB 83**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 3/19/2019
SB 320, introduced bill, be amended as follows:

1. Page 1, line 30.
Following: "inspector"
Insert: "that is considered a law enforcement officer as designated by the department of livestock in 81-1-201"

And, as amended, do pass.

HB 327, be amended as follows:

1. Page 8, line 29.

Following: "it is"
Insert: "a cell-cultured edible product"

And, as amended, be concurred in.

HB 520, be concurred in.
HB 586, be concurred in.

FISH AND GAME (Fielder, Chair): 3/19/2019
SR 26, be adopted.
HB 243, be concurred in.
HB 275, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/19/2019
SB 173, introduced bill, be amended as follows:

1. Page 1, line 14.
Strike: "is guilty of a misdemeanor and"

And, as amended, do pass.

SB 317, do pass.
HB 37, be concurred in.
HB 39, be concurred in.
HB 190, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 3/18/2019
SJ 13, introduced joint resolution, be amended as follows:

1. Page 1, line 27 through line 30.
Strike: "WHEREAS" on line 27 through "Mexico; and" on line 30

2. Page 2, line 8.
Strike: ":"

3. Page 2, line 9.
Strike: "(1)"

4. Page 2, line 10.
Strike: ";"

5. Page 2, line 11 through line 14.
Strike: "(2)" on line 11 through "United States" on line 14

6. Page 2, line 17.

Strike: "and"
Following: "Mexico in Colorado"
Insert: ", each member of the United States Senate Finance Committee, the United States House of Representatives Ways and Means Committee, the United States Senate Advisory Group on Negotiations, and the United States House of Representatives Advisory Group on Negotiations, the United States Trade Representative, the United States Secretary of Commerce, the United States Secretary of State, the United States Secretary of Labor, the Director of the Office of Management and Budget, and the Intellectual Property Enforcement Coordinator"

And, as amended, do pass.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 343, introduced by T. Richmond, referred to Natural Resources.
SB 344, introduced by M. Lang, referred to Fish and Game.
SB 345, introduced by E. McClafferty, C. Boland, J. Cohenour, J. Ellis, P. Flowers, J. Gross, D. Hayman, K. Kelker, C. Keogh, J. Krotkov, M. Lang, M. MacDonald, S. Malek, M. McNally, R. Peppers, M. Phillips, T. Richmond, D. Salomon, D. Sands, B. Smith, R. Tempel, G. Vuckovich, S. Webber, referred to Public Health, Welfare and Safety.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 45, introduced by G. Vance, referred to Highways and Transportation.

The following Senate joint resolution, previously introduced, was referred to committee:

SJ 21, introduced by J. Ellis, B. Bennett, D. Brown, M. Cuffe, D. Kary, R. Osmundson, F. Smith, G. Vance, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 389, introduced by J. Krautter, referred to Highways and Transportation.
HB 525, introduced by Z. Brown, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 10, introduced by A. Doane, W. Galt, G. Hertz, M. Hopkins, S. Morigeau, R. Peppers, T. Runningwolf, B. Smith, F. Smith, S. Stewart Peregoy, M. Weatherwax, S. Webber, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Small in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 237 - Senator McClafferty moved **HB 237** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Brown, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 422 - Senator Olszewski moved **HB 422** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 436 - Senator Lang moved **HB 436** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Brown, Fielder, Vance, Mr President.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 444 - Senator Ankney moved **HB 444** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Blasdel, Brown, Ellsworth, Esp, Fielder, Keenan, Vance, Mr President.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Small moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 137 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Blasdel, Fielder, Hinebauch, Howard, Keenan, Regier, Vance, Mr President.
Total 8

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 164 concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 40

Nays: Barrett, Cohenour, Esp, Hinebauch, Hoven, Regier, Smith C, Tempel, Vance, Mr President.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 166 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gillespie, Gross, Jacobson, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 26

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Webb, Mr President.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 383 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Boland, Cohenour, Gross, Jacobson, Malek, McClafferty, Phillips, Pomnichowski.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SJ 13**, reported out of committee this date, be re-referred to the Taxation Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, March 21, 2019, the fifty-eighth legislative day. Motion carried.

Senate adjourned at 1:32 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 21, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Howard. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/21/2019
Correctly printed: **SB 317**, **SB 343**, **SB 344**, **SB 345**, **SR 26**, **SR 45**, **SJ 13**, **HB 37**, **HB 39**, **HB 190**, **HB 237**, **HB 243**, **HB 275**, **HB 422**, **HB 436**, **HB 444**, **HB 520**, **HB 586**.
Correctly engrossed: **SB 65**, **SB 195**, **HB 3**, **HB 305**, **HB 601**.
Correctly enrolled: **SB 72**, **SB 144**, **SB 207**.
Transmitted to the House: **HB 137**, **HB 164**, **HB 166**, **HB 383**.

Senator Hinebaugh introduced Annika Bennion from Sidney, Montana, who played two selections on the fiddle. Ms. Bennion is a state fiddle champion who placed second at the national level, and who is serving as a Page for the Senate this week.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/21/2019
HB 344, be amended as follows:

1. Title, page 1, line 5.
Strike: "ALLOWING TRADE SECRET DESIGNATION;"

2. Page 1, line 22.
Strike: "**-- trade secrets**"

3. Page 2, line 7 through line 10.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in.

HB 523, be amended as follows:

1. Title, page 1, line 8.
Following: "~~BUSINESSES;~~"
Insert: "ADDING A FOCUS ON RURAL, VETERAN, MINORITY, AND WOMEN-OWNED BUSINESSES;"

2. Page 1, line 18 through line 19.
Strike: "WITHIN" on line 18 through "HELP ALL" on line 19
Insert: "for rural-based, veteran-owned, minority-owned, and women-owned"

3. Page 6, line 12 through line 13.
Strike: "FOR BUSINESSES" on line 12 through "STATE" on line 13
Insert: ", with an emphasis on rural-based, veteran-owned, minority-owned, and women-owned businesses"

And, as amended, be concurred in.

HB 581, be concurred in.
HB 624, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/20/2019
HB 351, be concurred in.
HB 387, be concurred in.
HB 601, be amended as follows:

Amendment Text:
1. Page 1, line 13.
Strike: "fiscal year 2020"
Insert: "fiscal years 2020 and 2021"

And, as amended, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 3/20/2019
SB 65, introduced bill, be amended as follows:

1. Title, page 1, line 12.
Following: "23-2-535,"
Insert: "44-4-1202, 44-4-1203,"

2. Page 8, line 22.
Strike: "(i)"

3. Page 8, line 28.
Strike: "(II)"
Insert: "(b)"

4. Page 8, line 30.
Strike: "(2)(a)(i)(A)"
Insert: "(2)(a)"

5. Page 9, line 1.
Strike: "(III)"
Insert: "(c)"
Strike: "; or"
Insert: "."

6. Page 9.
Strike: line 2 through line 6 in their entirety

7. Page 9, line 7.
Strike: "(2)(a)"
Insert: "(2)"

8. Page 9, line 22.
Strike: "either subsection (2)(a) or (2)(b)"
Insert: "subsection (2)"

9. Page 9, line 27.
Strike: "5 years" in two places
Insert: "1 year" in two places

10. Page 12, line 29.
Following: ";"
Strike: "OR"

11. Page 12.
Following: line 29
Insert: "(iii) a chemical dependency treatment program operated through the department of corrections; or"
Renumber: subsequent subsections

12. Page 13.
Following: line 3
Insert: "(c) If the defendant is sentenced to a program operated through the department of corrections, the department shall confirm that space is available so that the court may order that the offender be placed into the chemical dependency treatment program."
Renumber: subsequent subsections

13. Page 13, line 4.
Strike: "(9)(a)(III)"
Insert: "(9)(a)(iv)"

14. Page 24, line 17.
Strike: "[sections 3 and 4]"
Insert: "[section 3]"

15. Page 26, line 19.

Insert: "Section 19. Section 44-4-1202, MCA, is amended to read:

"44-4-1202. Purpose -- definitions. (1) The legislature declares that driving in Montana upon a way of this state open to the public is a privilege, not a right. A driver who wishes to enjoy the benefits of this privilege shall accept the corresponding responsibilities.

(2) The legislature further declares that the purpose of this part is:

(a) to protect the public health and welfare by reducing the number of people on Montana's highways who drive under the influence of alcohol or dangerous drugs;

(b) to protect the public health and welfare by reducing the number of repeat offenders for crimes in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime;

(c) to strengthen the pretrial and posttrial options available to prosecutors and judges in responding to repeat DUI offenders or other repeat offenders who commit crimes in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime; and

(d) to ensure timely and sober participation in judicial proceedings.

(3) As used in this part, the following definitions apply:

(a) "Core components" means those elements of a sobriety program that analysis demonstrates are most likely to account for positive program outcomes.

(b) "Dangerous drug" has the meaning provided in 50-32-101.

(c) "Department" means the department of justice provided for in 2-15-2001.

(d) "Immediate sanction" means a sanction that is applied within minutes of a noncompliant test event.

(e) "Law enforcement agency" means the county sheriff's office or another law enforcement agency designated by the county sheriff's office that is charged with enforcing the sobriety program.

(f) "Sobriety program" or "program" means the 24/7 sobriety and drug monitoring program established in 44-4-1203, which authorizes a court or an agency as defined in 2-15-102, as a condition of bond, sentence, probation, parole, or work permit, to:

(i) require an individual who has been charged with or convicted of a crime in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime, including but not limited to a second or subsequent offense of driving under the influence of alcohol or dangerous drugs, to abstain from alcohol or dangerous drugs for a period of time; and

(ii) require the individual to be subject to testing to determine the presence of alcohol or dangerous drugs~~:~~.

~~(A) twice a day at a central location where immediate sanctions may be applied;~~

~~(B) when testing twice a day is impractical, by continuous, remote sensing, or transdermal alcohol monitoring by means of an electronic monitoring device that allows timely sanctions to be applied; or~~

~~(C) with the concurrence of the department, by an alternate method that is consistent with 44-4-1203.~~

(g) "Testing" means a procedure for determining the presence and level of alcohol or a dangerous drug in an individual's breath or body fluid, including blood, urine, saliva, or perspiration, and includes any combination of the use of in-person or remote breath testing, drug patch testing, urinalysis testing, saliva testing, or continuous remote ~~sensing, or~~ transdermal alcohol monitoring. With the concurrence of the department and consistent with 44-4-1203, alternate body fluids may

be approved for testing.

(h) "Timely sanction" means a sanction that is applied as soon as practical following a noncompliant test event.""

Insert: "Section 20. Section 44-4-1203, MCA, is amended to read:

"44-4-1203. Sobriety and drug monitoring program created. (1) There is a statewide 24/7 sobriety and drug monitoring program within the department to be administered by the attorney general.

(2) (a) The core components of the sobriety program must include use of a primary testing methodology for the presence of alcohol or dangerous drugs that:

(i) best facilitates the ability to apply immediate sanctions for noncompliance; and

(ii) is available at an affordable cost.

(b) Primary testing methods for alcohol include twice-a-day, in-person breath testing at a central location and other methodologies approved by the department. Primary testing methodologies must utilize devices that are capable of determining alcohol concentrations below an equivalent breath alcohol concentration of 0.010 grams per 210 liters of breath. If the primary testing methodology is a breath alcohol analysis, the device utilized must be listed on the most recent conforming products list for evidential breath alcohol measurement devices as published by the national highway traffic safety administration.

~~(b)~~(c) In cases of hardship or when a sobriety program participant is subject to less-stringent testing requirements, testing methodologies with timely sanctions for noncompliance may be utilized. Hardship testing methodologies include the use of transdermal alcohol monitoring devices, remote breath test devices, and other methods approved by the department. A hardship testing methodology may be used if the court or agency determines that hardship factors, including but not limited to distance from or lack of access to a primary testing method site, prevent the reasonable use of a primary testing method.

(3) The sobriety program must be supported by evidence of effectiveness and satisfy at least two of the following categories:

(a) the program is included in the federal registry of evidence-based programs and practices;

(b) the program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome; or

(c) the program has been documented as effective by informed experts and other sources.

(4) If a law enforcement agency chooses to participate in the sobriety program, the department shall assist in the creation and administration of the program in the manner provided in this part. The department shall also assist entities participating in the program in determining alternatives to incarceration.

(5) (a) If a law enforcement agency participates in the program, the law enforcement agency may designate an entity to provide the testing services or to take any other action required or authorized to be provided by the law enforcement agency pursuant to this part, except that the law enforcement agency's designee may not determine whether to participate in the sobriety program.

(b) The law enforcement agency shall establish the testing locations and times for the county but must have at least one testing location and two daily testing times approximately 12 hours apart.

~~(6) Any efforts by the department to alter or modify the core components of the statewide~~

~~sobriety program must include a documented strategy for achieving and measuring the effectiveness of the proposed modifications. Before core components may be modified, a pilot program with defined objectives and timelines must be initiated in which measurements of the effectiveness and impact of any proposed modifications to the core components are monitored. The data collected from the pilot program must be assessed by the department, and a determination must be made as to whether the stated goals were achieved and whether the modifications should be formally implemented in the sobriety program.~~

~~(7)~~(6) All alcohol or drug testing ordered by a court must utilize the data management technology plan provided for in 44-4-1204(4). All alcohol or drug testing ordered by a court must utilize the data management technology system in accordance with the data management technology plan provided for in 44-4-1204(4). The data is owned by the state and maintained by the department. Approved testing methodologies, whether designated as primary or hardship, must be capable of electronically transferring data directly into the data management technology system through a department-approved interface.

~~(8)~~(7) ~~Alcohol~~ In order to provide a more complete record of drug and alcohol testing results, any alcohol or drug testing required by ~~the department of corrections pursuant to this part~~ other state or local agencies ~~must~~ may utilize the data management technology ~~plan provided for in 44-4-1204(4)~~ system.""

Renumber: subsequent sections

16. Page 26, line 30 through page 27 line 1.
Following: "individual's" on line 30
Strike: remainder of line 30 through "program and" on page 27, line 1
Insert: "obtaining"

17. Page 62, line 28.
Strike: "45"
Insert: "180"

18. Page 63, line 4.
Strike: "45-day"
Insert: "180-day"

19. Page 63, line 10.
Strike: "90"
Insert: "180"

20. Page 63, line 16.
Strike: "45-day"
Insert: "180-day"

21. Page 63, line 25.
Strike: "90"
Insert: "180"

22. Page 63, line 27.
Strike: "90-day"
Insert: "180-day"

And, as amended, do pass.

SB 195, introduced bill, be amended as follows:

1. Page 7.
Following: line 10
Insert: "**NEW SECTION. Section 6. Legislative intent**. It is the intent of the legislature that for purposes of [this act], in the 2021 biennium the department of environmental quality implement the energy performance contract program within appropriations provided in House Bill No. 2."

Renumber: subsequent sections

And, as amended, do pass.

HB 3, be amended as follows:

1. Title, page 1, line 6.
Following: "TRANSFERS;"
Insert: "REDUCING A GENERAL FUND APPROPRIATION FOR FISCAL YEAR 2019; AMENDING SECTION 11, CHAPTER 8, SPECIAL LAWS OF NOVEMBER 2017;"

2. Page 2, line 13.
Following: line 12
Insert: "(3) The state treasurer shall transfer $15 million from the general fund to the budget stabilization reserve fund established in 17-7-130.
(4) The state treasurer shall transfer $6.5 million from the general fund to the fire suppression account established in 76-13-150."

3. Page 1, line 22.
Strike: "LANGFORD SETTLEMENT"
Insert: "Director's Office"

4. Page 2.
Following: line 4
Insert: "Centralized Services Division $190,000 State Special Revenue"

5. Page 2.
Following: line 13
Insert: "NEW SECTION. **Section 4. Reduction to general fund appropriation for fiscal year 2019.** The following general fund appropriation for fiscal year 2019, as enacted in House Bill No.

2, Chapter 8, Special Laws of November 2017, is reduced as follows:
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
1. Health Resources Division, from $154,464,735 to $140,964,735."
Renumber: subsequent sections

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 3/20/2019
HB 274, be concurred in.
HB 282, be concurred in.
HB 325, be concurred in.
HB 357, be concurred in.

JUDICIARY (Regier, Chair): 3/21/2019
HB 268, be amended as follows:

1. Title, page 1, line 7.
Strike: "AND"

2. Title, page 1, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 5, line 9.
Following: line 8
Insert: "NEW SECTION. **Section 12. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 3/20/2019
HB 505, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/20/2019
HB 518, be concurred in.
HB 529, be concurred in.
HB 537, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 3/20/2019
HB 234, be concurred in.
HB 297, be concurred in.
HB 305, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "CLARIFYING" on line 5 through "FOR" on line 6

2. Title, page 1, line 7 through line 8.
Strike: "SPECIFIC" on line 7 through "EMERGENCY" on line 8
Insert: "PROVIDING STATE DUTY FOR SPECIAL WORK IS LIMITED TO EXISTING PROVISIONS IN PREPARATION FOR DECLARATIONS OF EMERGENCIES AND DISASTERS AND CYBER-SECURITY OPERATIONS;"

3. Page 1, line 17 through line 18.
Strike: "AND OTHER" on line 17 through "PROSPERITY" on line 18

4. Page 2, line 3.
Following: "(2)"
Insert: "(a)"
Following: "means"
Insert: ":
(i)"
Strike: "state-funded"

5. Page 2, line 7 through line 9.
Strike: "INCLUDING" on line 7 through "CONSTITUTION." on line 9
Insert: "such as administrative functions, exercises, training, coordination, or planning, that is conducted for the purposes of preparing the Montana national guard for active duty ordered by the governor under Article VI, section 13, of the Montana constitution; or
(ii) cyber-security training and operations, including but not limited to vulnerability assessments, situational awareness, investigation, analysis, and incident response.
(b)"

6. Page 2, line 10.
Following: "~~constitution~~"
Insert: ", of the Montana constitution"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 35**
Report No. 001, March 20, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 35** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 35** (reference copy -- salmon) be amended as follows:

1. Page 3, line 13.
Strike: "10 YEARS"
Insert: "1 year"

For the Senate:
Blasdel, Chair
Vance
Vuckovich

For the House:
Buttrey, Vice Chair
Fitzgerald
Pierson

Without objection, the select committee report was adopted.

MESSAGES FROM THE GOVERNOR

March 20, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Wednesday, March 20, 2019, I signed the following bills:

Senate Bill 2 -- McDonald
Senate Bill 20 -- Webb
Senate Bill 58 -- Salomon

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill not concurred in and returned to the Senate: 3/19/2019

SB 108, introduced by J. Sesso

HB 205 - The House failed to concur in Senate amendments to **HB 205,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 205:**

3/20/2019

Representative Shaw, Vice Chair
Representative Buttrey
Representative Perry

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced and read first time:

SB 346, introduced by S. Fitzpatrick.
SB 347, introduced by R. Webb.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 46, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lang in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 17 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 17**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 18 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 18**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 19 - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 19**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 132 - Majority Leader Thomas moved consideration of **HB 132** be placed at the bottom of the second reading board. Without objection, so ordered.

HB 229 - Senator Richmond moved **HB 229** be concurred in. Senator C. Smith disclosed this bill directly affects his family. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Smith F.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 388 - Senator McClafferty moved **HB 388** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 619 - Senator Bogner moved **HB 619** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Mr President.
Total 45

Nays: Brown, Hinebauch, Howard, Vance, Welborn.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 238 - Senator Fielder moved **HB 238** be concurred in. Motion **failed** as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Vance, Webb, Mr President.
Total 24

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 26

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 238 - Majority Leader Thomas moved **HB 238** be **indefinitely postponed**. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Hoven, Howard, Jacobson, Kary, Lang, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 34

Nays: Ankney, Blasdel, Esp, Fielder, Fitzpatrick, Gross, Hinebauch, Keenan, MacDonald, McConnell, Olszewski, Regier, Salomon, Smith C, Welborn, Mr President.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Sales assumed the chair.

HB 132 - Senator Lang moved **HB 132** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved that **HB 238** be segregated from the Committee of the Whole report. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lang moved the remainder of the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 35

Nays: Barrett, Boland, Cohenour, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 237 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 32

Nays: Blasdel, Brown, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Vance, Welborn, Mr President.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 422 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 436 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel,

Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Brown, Fielder, Hinebauch, Vance.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 444 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 37

Nays: Blasdel, Brown, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Smith C, Vance, Mr President.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

UNFINISHED BUSINESS

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 338**:

SB 338 (T. Gauthier, Chief Sponsor)
Senators J. Sesso and J. Welborn
Representative L. Jones

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 205**. Motion carried. President Sales appointed:

3/21/2019

Senator Fielder, Chair
Senator Flowers
Senator Hinebauch

Majority Leader Thomas moved that **SB 239**, **HB 351** and **HB 387** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 326** be taken from the State Administration Committee and re-referred to the Judiciary Committee. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, March 22, 2019, the fifty-ninth legislative day. Motion carried.

Senate adjourned at 2:39 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
FIFTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 22, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Flowers. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/22/2019
Correctly printed: **SB 239**, **SB 326**, **SB 346**, **SB 347**, **SR 46**, **HB 132**, **HB 229**, **HB 234**, **HB 274**, **HB 282**, **HB 297**, **HB 325**, **HB 351**, **HB 357**, **HB 387**, **HB 388**, **HB 505**, **HB 518**, **HB 529**, **HB 537**, **HB 581**, **HB 619**, **HB 624**.
Correctly engrossed: **SB 331**, **HB 268**, **HB 344**, **HB 523**.
Correctly enrolled: **SB 59**, **SB 84**, **SB 85**, **SB 248**, **SB 260**, **SR 17**, **SR 18**, **SR 19**.
Examined by the sponsor and found to be correct: **SB 72**, **SB 144**, **SB 207**.
Transmitted to the House: **HB 237**, **HB 422**, **HB 436**, **HB 444**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/22/2019
SB 325, introduced bill, be amended as follows:

1. Title, page 2, line 4.
Strike: "AND"

2. Title, page 2, line 21.
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

3. Page 3, line 24.
Following: "filing"
Strike: ". Delivery may be made"

4. Page 3, line 25 through line 27.
Following: "electronic transmission"
Strike: remainder of line 25 through "document" on line 27
Insert: ". The secretary of state may authorize exceptions to the requirement of filing documents by electronic transmission"

5. Page 7, line 2.
Strike: "5"
Insert: "10"

6. Page 15, line 23.
Following: "subsection (10)."
Insert: "A corporation that files documents with the office of the secretary of state under [sections 1 through 221] is considered to have given its irrevocable consent to delivery of notices or other communications by the office of the secretary of state to the corporation by electronic transmission."

7. Page 35, line 30 through page 36, line 1.
Strike: ":" on page 35, line 30 through "(a)" on page 36, line 1

8. Page 36, line 1.
Following: "registered office"
Strike: ", which may be the same as any of its places of business;"

9. Page 36, line 2.
Strike: "(b)"

10. Page 36, line 2 through line 6.
Following: "registered agent" on line 2
Strike: remainder of line 2 through "business in this state" on line 6
Insert: "in compliance with Title 35, chapter 7"

11. Page 36, line 10.
Strike: "(1)"

12. Page 36, line 11 through line 26.
Following: "registered agent" on line 11
Strike: remainder of line 11 through "notified of the change" on line 26
Insert: "in compliance with Title 35, chapter 7"

13. Page 36, line 28.
Strike: "(1)"

14. Page 36, line 29 through page 37, line 15.
Following: "corporation" on line 29
Strike: remainder of line 29 on page 36 through "standing" on page 37, line 15
Insert: "in compliance with Title 35, chapter 7"

15. Page 76, line 30.
Following: "the care that a person in a"
Strike: "similar"
Insert: "like"

16. Page 80, line 18.

Following: "(b) with the care that a person in a"
Strike: "similar"
Insert: "like"

17. Page 83, line 18.
Following: "believed to be in the"
Strike: "best"

18. Page 85, line 8 through line 9.
Strike: ":" on line 8 through "(i)" on line 9

19. Page 85, line 9.
Strike: ";"

20. Page 85, line 10.
Strike: "(ii)"
Following: "even if"
Insert: ", in either case,"

21. Page 149, line 17.
Strike: "taxes,"

22. Page 149, line 19.
Strike: "60"
Insert: "120"

23. Page 149, line 27 through line 28.
Strike: "If the" on line 27 through "determines that" on line 28
Insert: "On or before September 1 of each year, the secretary of state shall compile a list of corporations for which"

24. Page 149, line 28.
Following: "dissolving a corporation,"
Insert: "and"

25. Page 150, line 18.
Following: "have been eliminated;"
Insert: "and"

26. Page 150, line 19 through line 21.
Following: "[section 39]"
Strike: remainder of line 19 through "paid" on line 21
Following: line 21
Insert: "(2) The corporation shall submit with its application for reinstatement:
(a) a certificate from the department of revenue stating that all taxes imposed pursuant to

Title 15 have been paid;

(b) a filing fee, which must be set and deposited by the secretary of state in accordance with 2-15-405; and

(c) all annual reports not yet filed with the secretary of state and related fees and penalties."

Renumber: subsequent subsections

27. Page 150, line 22.
Following: "information"
Insert: ", documents, and fees"

28. Page 150, line 23.
Strike: "subsection (1)"
Insert: "subsections (1) and (2)"
Following: "information"
Strike: "is"
Insert: ", documents, and fees are complete and"

29. Page 156, line 19.
Following: "(3)"
Strike: "The"
Insert: "Except as provided in subsection (4), the"

30. Page 156, line 21.
Following: line 20
Insert: "(4) A contract between the state of Montana, an agency of the state, or a political subdivision of the state and a foreign corporation that has failed to register to do business as required under [section 207(4)] is voidable by the state, the contracting state agency, or the contracting political subdivision."
Renumber: subsequent subsections

31. Page 158, line 7.
Following: "isolated transaction that"
Insert: "is completed within 30 days and that"
Strike: "similar"
Insert: "repeated"
Following: "transactions"
Insert: "of a similar nature"

32. Page 158, line 13.
Following: line 12
Insert: "(4) A foreign corporation is transacting business within the meaning of subsection (1) if it enters into a contract, including a contract entered into pursuant to Title 18, with the state of Montana, an agency of the state, or a political subdivision of the state and must register to do business under [sections 203 through 214] before entering into the contract. This

subsection does not apply to contracts for goods fully prepared or services fully performed out of state for delivery or use in this state."

33. Page 161, line 23.
Strike: "60"
Insert: "120"

34. Page 161, line 30 through page 162, line 3.
Strike: subsection (2) in its entirety
Insert: "(2) On or before September 1 of each year, the secretary of state shall compile a list of registered foreign corporations for which one or more grounds exist under subsection (1) for terminating its registration and shall serve the registered foreign corporation with written notice of the determination under [section 45]."

35. Page 162, line 4.
Following: "(3)"
Insert: "If the registered foreign corporation does not correct each ground for termination or demonstrate to the reasonable satisfaction of the secretary of state that each ground for termination determined by the secretary of state does not exist within 60 days after the notice is delivered, the secretary of state may terminate the registration of a registered foreign corporation by issuing a certificate of termination."

36. Page 162, line 4 through line 5.
Strike: ":" on line 4 through "(a)" on line 5

37. Page 162, line 5.
Strike: "90"
Insert: "60"

38. Page 162, line 6.
Strike: "copy of the certificate of termination"
Insert: "notice"

39. Page 162, line 6 through line 7.
Following: "subsection (2)(b)" on line 6
Strike: remainder of line 6 through "subsection (1)" on line 7

40. Page 162, line 9 through line 11.
Following: "certificate of termination" on line 9
Strike: "unless before" on line 9 through "withdrawn" on line 11

41. Page 168, line 22 through line 25.
Following: "in writing" on line 22
Strike: "and return" on line 22 through "timely filed" on line 25
Insert: ". The corrected report must be filed by April 15 to be considered timely filed"

42. Page 219, line 24.
Following: line 23
Insert: "NEW SECTION. **Section 274. Effective date.** [This act] is effective June 1, 2020."
Renumber: subsequent sections

And, as amended, do pass.

SB 330, introduced bill, be amended as follows:

1. Title, page 1, line 14.
Strike: "23-5-157,"

2. Page 1, line 19.
Strike: "19"
Insert: "18"

3. Page 1, line 23.
Strike: "19"
Insert: "18"

4. Page 2, line 9.
Strike: "19"
Insert: "18"

5. Page 2, line 21.
Strike: "15"
Insert: "14"

6. Page 3, line 12.
Strike: "16"
Insert: "15"

7. Page 3, line 24.
Strike: "activity"
Insert: "operator"

8. Page 3, line 25.
Strike: "activity"
Insert: "operator"

9. Page 3, line 29.
Strike: "activity"
Insert: "operator"

10. Page 3, line 30.

Strike: "activity"
Insert: "operator"

11. Page 4, line 2.
Strike: "19"
Insert: "18"

12. Page 4, line 8.
Strike: "19"
Insert: "18"

13. Page 4, line 9.
Strike: "19"
Insert: "18"

14. Page 4, line 10.
Strike: "19"
Insert: "18"

15. Page 4, line 11.
Strike: "19"
Insert: "18"

16. Page 4, line 28.
Strike: "activity"
Insert: "operator"

17. Page 5, line 5 through line 7.
Following: "licensee" on line 5
Strike: remainder of line 5 through "investigations" on line 7
Insert: "or another law enforcement or regulatory agency"

18. Page 5, line 14.
Strike: "19"
Insert: "18"

19. Page 5, line 15.
Strike: "16"
Insert: "15"

20. Page 5, line 16.
Strike: "19"
Insert: "18"
Following: "rule by"
Insert: "criminal or"

21. Page 5, line 25.
Strike: "19"
Insert: "18"

22. Page 5, line 27.
Strike: "19"
Insert: "18"

23. Page 6, line 4.
Strike: "as provided in [section 14]"

24. Page 6, line 10.
Strike: "19"
Insert: "18"

25. Page 6, line 14.
Strike: "19"
Insert: "18"

26. Page 6, line 16.
Strike: "or"
Insert: ","
Following: "collegiate"
Insert: ", electronic sports, or olympic"

27. Page 7, line 8.
Strike: "19"
Insert: "18"

28. Page 7, line 9.
Strike: "19"
Insert: "18"

29. Page 7, line 10.
Strike: "19"
Insert: "18"

30. Page 7, line 13.
Strike: "19"
Insert: "18"

31. Page 7, line 21.
Strike: "19"
Insert: "18"

32. Page 8, line 12.
Strike: "19"
Insert: "18"

33. Page 8, line 14.
Strike: "19"
Insert: "18"

34. Page 8, line 26 through line 27.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

35. Page 10, line 13.
Strike: "activity"
Insert: "operator"

36. Page 12, line 4.
Strike: "19"
Insert: "18"

37. Page 12, line 14 through line 16.
Strike: section 14 in its entirety
Renumber: subsequent sections

38. Page 12, line 27.
Following: "communication to the department"
Insert: "within"

39. Page 13, line 11.
Strike: "19"
Insert: "18"

40. Page 13, line 16.
Strike: "19"
Insert: "18"

41. Page 16, line 2.
Strike: "19"
Insert: "18"

42. Page 16, line 4.
Strike: "19"
Insert: "18"

43. Page 16, line 7.

Strike: "19"
Insert: "18"

44. Page 16, line 14.
Strike: "19"
Insert: "18"

45. Page 16, line 20.
Strike: "19"
Insert: "18"

46. Page 19, line 25.
Strike: "19"
Insert: "18"

47. Page 19, line 29 through page 20, line 3.
Strike: subsection (22) in its entirety
Renumber: subsequent subsections

48. Page 20, line 10.
Following: "sportsbook operator,"
Insert: "platform operator, associated gambling business,"

49. Page 21, line 6.
Strike: "19"
Insert: "18"

50. Page 21, line 9.
Strike: "19"
Insert: "18"

51. Page 22, line 24.
Strike: "19"
Insert: "18"

52. Page 23, line 5.
Strike: "19"
Insert: "18"

53. Page 23, line 20.
Strike: "19"
Insert: "18"

54. Page 23, line 22.
Strike: "19"

Insert: "18"

55. Page 24, line 4.
Strike: "19"
Insert: "18"

56. Page 24, line 10.
Strike: "19"
Insert: "18"

57. Page 24, line 15.
Strike: "19"
Insert: "18"

58. Page 25, line 5.
Strike: "19"
Insert: "18"

59. Page 26, line 20.
Strike: "19"
Insert: "18"

60. Page 26, line 28.
Strike: "19"
Insert: "18"

61. Page 27, line 6.
Strike: "19"
Insert: "18"

62. Page 27, line 10.
Strike: "19"
Insert: "18"

63. Page 27, line 13.
Strike: "19"
Insert: "18"

64. Page 27, line 18.
Strike: "19"
Insert: "18"

65. Page 29, line 7.
Strike: "machine"
Insert: "kiosk"

66. Page 29, line 13.
Strike: "19"
Insert: "18"

67. Page 30, line 15.
Strike: "19"
Insert: "18"

68. Page 30, line 20 through page 31, line 10.
Strike: section 35 in its entirety
Renumber: subsequent sections

69. Page 31, line 14.
Strike: "19"
Insert: "18"

70. Page 31, line 21.
Strike: "19"
Insert: "18"

71. Page 31, line 27.
Strike: "19"
Insert: "18"

72. Page 31, line 30.
Strike: "19"
Insert: "30"

73. Page 32, line 1.
Strike: "19"
Insert: "18"

74. Page 32, line 5.
Strike: "19"
Insert: "18"

75. Page 33, line 23.
Strike: "19"
Insert: "18"

76. Page 33, line 25.
Strike: "19"
Insert: "18"

And, as amended, do pass.

SB 335, do pass.
SR 43, be adopted.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 3/21/2019
SB 331, introduced bill, be amended as follows:

1. Page 2, line 7.
Following: "**resources**"
Insert: "**-- definitions**"

2. Page 2, line 8.
Following: "utility's"
Insert: "prudently incurred"

3. Page 2, line 10.
Following: "30 years."
Insert: "Retirement before the expected life used for depreciation purposes must be approved by the public service commission."

4. Page 2, line 11.
Strike: ""coal-fired generating unit""
Insert: "the following definitions apply:"
(a) "Coal-fired generating unit"

5. Page 2, line 13.
Strike: "on or before [the effective date of this act]"
Following: line 13
Insert: "(b) "Costs" means capital investments for environmental, regulatory, and safety compliance and reliability."

6. Page 2, line 15.
Following: "**units**"
Insert: "**and transmission resources**"

7. Page 2, line 16.
Following: "(1)(d)"
Insert: "and subject to the conditions and limitations of this section"

8. Page 2, line 18.
Following: "150 megawatts"
Strike: "and" through "section"
Insert: ", and the investment in any interconnected transmission facilities of 500 kilovolts or more, not to exceed book value"

9. Page 2, line 22.

Strike: "Operational, maintenance, repair, or improvement costs"
Insert: "Costs"

10. Page 2, line 24.
Strike: "Operational, maintenance, repair, or improvement costs"
Insert: "Costs"

And, as amended, do pass.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/21/2019
HB 285, be concurred in.

JUDICIARY (Regier, Chair): 3/22/2019
SJ 18, do pass..

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

March 21, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Thursday, March 21, 2019, I signed the following bills:

Senate Bill 56 -- Ellis
Senate Bill 57 -- Ellis
Senate Bill 83 -- Fitzpatrick
Senate Bill 91 -- Salomon
Senate Bill 137 -- Hinebauch

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/21/2019

SB 36, introduced by M. MacDonald
SB 59, introduced by E. McClafferty
SB 61, introduced by M. MacDonald
SB 82, introduced by S. Fitzpatrick
SB 84, introduced by S. Fitzpatrick
SB 85, introduced by S. Fitzpatrick
SB 248, introduced by J. Cohenour
SB 260, introduced by S. Malek

House bills passed and transmitted to the Senate for concurrence: 3/21/2019

HB 2, introduced by N. Ballance
HB 403, introduced by B. Usher
HB 507, introduced by E. Buttrey
HB 629, introduced by D. Hayman

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 348, introduced by K. Regier, referred to Judiciary.
SB 349, introduced by J. Cohenour, C. Boland, J. Ellis, T. Jacobson, E. McClafferty, J. Pomnichowski, referred to Fish and Game.
SB 351, introduced by J. Ellsworth, referred to Business, Labor, and Economic Affairs.

The following Senate bills were introduced and read first time:

SB 350, introduced by J. Cohenour, J. Welborn.
SB 352, introduced by F. Thomas, B. Tschida.

The following Senate bills, previously introduced, were referred to committees:

SB 346, introduced by S. Fitzpatrick, referred to Highways and Transportation.
SB 347, introduced by R. Webb, referred to Business, Labor, and Economic Affairs.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 47, introduced by D. Salomon, referred to Education and Cultural Resources.
SR 48, introduced by J. Fielder, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

HB 2, introduced by N. Ballance (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 403, introduced by B. Usher, referred to Energy and Telecommunications.
HB 507, introduced by E. Buttrey, M. Blasdel, R. Lynch, J. Sesso, J. Small, referred to Taxation.
HB 629, introduced by D. Hayman, J. Hamilton, K. Kelker, C. Keogh, referred to Highways and Transportation.

The following House bill, previously introduced, was referred to committee:

HB 414, introduced by J. Karjala, J. Bachmeier, W. Curdy, G. Custer, K. Dudik, R. Farris-Olsen, M. Funk, J. Hamilton, D. Harvey, K. Kelker, C. Keogh, J. Krautter, R. Lynch, S. Morigeau, R. Peppers, Z. Perry, G. Pierson, T. Runningwolf, C. Schreiner, R. Shaw, P. Webb, T. Winter, T. Woods, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Sands in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 317 - Senator Lang moved **SB 317** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Brown.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 318 - Senator R. Webb moved **SB 318** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 320 - Senator Salomon moved **SB 320** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Esp, Phillips.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 46 - **House Amendments** - Senator Cohenour moved House amendments to **SB 46** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally,

Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 26 - Senator Fielder moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 26**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 327 - Senator Olszewski moved **HB 327** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 46

Nays: Ellis, Gross, McConnell, Pomnichowski.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 520 - Senator Gillespie moved **HB 520** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Ellis, Pomnichowski.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 586 - Majority Leader Thomas moved consideration of **HB 586** be passed for the day. Without objection, so ordered.

HB 243 - Senator Lang moved **HB 243** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Brown.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 275 - Senator Cohenour moved **HB 275** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 173 - Senator Gauthier moved **SB 173** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 386 - Senator Hoven moved **HB 386** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Sands moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Minority Leader Sesso arose for the purpose of an introduction and welcomed soldiers and airmen of the Montana National Guard, along with former members of the Guard and military suppliers, to the Senate.

MOTIONS

Majority Leader Thomas moved that **HB 520**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Ankney moved that **HB 129** be taken from the State Administration Committee and placed on second reading on Monday, March 25, the sixty-first legislative day. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 32

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved that **HB 535** be taken from the Judiciary Committee and re-referred to the Energy and Telecommunications Committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 132 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 229 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 388 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 619 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Mr President.
Total 45

Nays: Brown, Hinebauch, Howard, Vance, Welborn.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

President Sales announced the Senate would not meet in floor session Tuesday, March 26, 2019. Instead, the Finance and Claims Committee will meet through the day and remaining Senators are encouraged to attend a briefing on **HB 2** presented by Legislative Fiscal Division staff members at 1:00 p.m. in the Senate chambers.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 9:00 a.m. Saturday, March 23, 2019, the sixtieth legislative day. Motion carried.

Senate adjourned at 2:19 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SIXTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 23, 2019 — State Capitol

Senate convened at 9:00 a.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Howard excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/23/2019
Correctly printed: **SB 173**, **SB 317**, **SB 318**, **SB 320**, **SB 335**, **SB 348**, **SB 349**, **SB 350**, **SB 351**, **SB 352**, **SR 43**, **SR 47**, **SR 48**, **SJ 18**, **HB 129**, **HB 243**, **HB 275**, **HB 285**, **HB 327**, **HB 386**, **HB 520**, **HB 535**.
Correctly engrossed: **SB 329**, **SB 330**, **SB 325**, **HB 262**, **HB 428**.
Examined by the sponsor and found to be correct: **SB 59**, **SB 84**, **SB 85**, **SB 248**, **SB 260**, **SR 17**, **SR 18**, **SR 19**.
Transmitted to the House: **HB 132**, **HB 229**, **HB 388**, **HB 619**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 3/22/2019
SB 170, do pass.
HB 24, be concurred in.
HB 158, be concurred in.
HB 192, be concurred in.
HB 212, be concurred in.
HB 262, be amended as follows:

1. Page 1, line 13.
Following: "proceeds"
Insert: "not otherwise designated for a specific use pursuant to court order"

2. Page 1, line 20.
Following: "proceeds"
Insert: "not otherwise designated for a specific use pursuant to court order"

3. Page 1, line 20.
Following: "biennium."
Insert: "Funds that are otherwise obligated to implement the provisions of the settlement agreement are not considered part of the balance of the state special revenue account."

4. Page 1, line 30.
Following: "proceeds"

Insert: "not otherwise designated for a specific use pursuant to court order"

5. Page 2, line 6.
Following: "biennium."
Insert: "Funds that are otherwise obligated to implement the provisions of the settlement agreement are not considered part of the balance of the state special revenue account."

6. Page 2, line 6.
Following: "proceeds"
Insert: "not otherwise designated for a specific use pursuant to court order"

And, as amended, be concurred in.

HB 428, be amended as follows:

1. Title, page 1, line 9.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 1, line 14.
Following: "90-6-709"
Insert: "and must provide that the Indian tribal government shall require its tribal law enforcement to coordinate law enforcement activities with state and local law enforcement."

3. Page 2.
Following: line 29
Insert: "**NEW SECTION. Section 8. Termination**. [This act] terminates June 30, 2025."

And, as amended, be concurred in.

HB 638, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 3/22/2019
SB 329, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "RENEWAL"
Insert: "PROCESSING"

2. Page 1, line 12.
Following: "Duration of lease"
Insert: "-- extension"

3. Page 1, line 24 through line 25.
Strike: subsection (iii) in its entirety

Insert: "(2)(a) An extension issued under subsection (1)(b)(ii)(B):
(i) may not exceed 10 years;
(ii) must be accompanied by a $2,500 processing fee; and
(iii) must include bonus, rental, and royalty amounts or terms as determined by the board.
(b) The board may not issue more than one extension to a lease."

4. Page 1, line 26.
Strike: "(2)"
Insert: "(3)"

And, as amended, do pass.

HB 328, be concurred in.
HJ 14, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 3/22/2019
HB 204, be concurred in.
HB 319, be concurred in.
HJ 24, be concurred in.
HJ 27, be concurred in.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/22/2019

SB 9, introduced by D. Salomon
SB 292, introduced by R. Webb

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
3/22/2019
SB 12, introduced by D. Salomon

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 353, introduced by J. Cohenour, M. Cuffe, referred to Highways and Transportation.
SB 354, introduced by A. Olszewski, D. Ankney, D. Bartel, B. Beard, D. Bedey, K. Bogner, B. Brown, D. Brown, M. Cuffe, A. Doane, J. Dooling, N. Duram, J. Ellsworth, J. Fielder, B. Gillespie, C. Glimm, S. Greef, S. Gunderson, G. Hertz, S. Hinebauch, D. Howard, D. Kary, J. Kassmier, B. Keenan, D. Loge, F. Mandeville, T. Manzella, W. McKamey, M. Noland, R. Osmundson, A. Redfield, D. Skees, C. Smith, F. Thomas, B. Tschida, B. Usher, G. Vance, S. Vinton, R. Webb, K.

White, D. Zolnikov, referred to Judiciary.

The following Senate bills, previously introduced, were referred to committees:

SB 350, introduced by J. Cohenour, J. Welborn, referred to Highways and Transportation.
SB 352, introduced by F. Thomas, B. Tschida, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fielder in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 125 - Senator Fitzpatrick moved **SB 125** do pass.

SB 125 - Senator Fitzpatrick moved **SB 125**, second reading copy, be amended as follows:

1. Page 5, line 26.
Following: "2020"
Insert: "and each year thereafter"

2. Page 5, line 27.
Following: "Montana residents"
Strike: "from 2019"

3. Page 5, line 30.
Following: "~~in this state,~~"
Insert: "from the prior calendar year,"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 125 - As amended, **SB 125** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 37 - Senator Welborn moved **HB 37** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.
Total 0

HB 190 - Senator Vance moved **HB 190** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 47

Nays: Brown, Webb.
Total 2

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 234 - Senator Ellis moved **HB 234** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 268 - Senator Esp moved **HB 268** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 282 - Senator Sands moved **HB 282** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 297 - Senator Kary moved **HB 297** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 305 - Senator D. Brown moved **HB 305** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 624 - Senator Boland moved **HB 624** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F,

Tempel, Thomas, Vuckovich, Webb, Webber, Mr President.
Total 46

Nays: Ankney, Vance, Welborn.
Total 3

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Fielder moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 46 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 173 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Webber.
Total 26

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 23

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 317 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith

C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Brown.
Total 1

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 318 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Smith F, Vuckovich.
Total 2

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 320 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Esp.

Total 1

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 243 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 275 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 327 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Ellis, Gross, McConnell, Pomnichowski.
Total 4

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 386 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

Senator Esp arose on a point of personal privilege and thanked members for their support and good wishes this past week.

MOTIONS

Majority Leader Thomas moved that **SB 347** be taken from the Business, Labor, and Economic Affairs Committee, and re-referred to the Judiciary Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, March 25, 2019, the sixty-first legislative day. Motion carried.

Senate adjourned at 9:45 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SIXTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 25, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senate Webber. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/25/2019
Correctly printed: **SB 170**, **SB 347**, **SB 353**, **SB 354**, **HB 24**, **HB 37**, **HB 158**, **HB 190**, **HB 192**, **HB 204**, **HB 212**, **HB 234**, **HB 268**, **HB 282**, **HB 297**, **HB 305**, **HB 319**, **HB 328**, **HB 624**, **HB 638**, **HJ 14**, **HJ 24**, **HJ 27**.
Correctly engrossed: **SB 125**, **SB 245**.
Correctly enrolled: **SB 1**, **SB 9**, **SB 36**, **SB 46**, **SB 61**, **SB 82**, **SB 182**, **SB 217**, **SB 292**, **SR 26**.
Transmitted to the House: **SB 46**, **SB 173**, **SB 317**, **SB 318**, **SB 320**, **HB 243**, **HB 275**, **HB 327**, **HB 386**.
Signed by the Secretary of the Senate at 9:30 a.m., March 25, 2019: **SB 72**, **SB 144**, **SB 207**.
Signed by the President at 10:30 a.m., March 25, 2019: **SB 72**, **SB 144**, **SB 207**.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 3/23/2019
SB 245, introduced bill, be amended as follows:

1. Page 5, line 6 through line 7.
Strike: subsection (b) in its entirety
Insert: "(b) a requirement that a contract between the governing body and a record owner is invalid and unenforceable unless the holder of a mortgage, trust indenture beneficiary, or loan servicer provides the governing body with each of the following:

(i) an executed subordination agreement, properly notarized and executed within 3 months prior to the application for a contract;

(ii) a record of the subordination agreement from the office of the county clerk and recorder in the county where the property is located;

(iii) a secretary's certificate or substantially similar certification that the person who executed the subordination agreement is authorized to sign such an agreement on behalf of the mortgage holder, trust indenture beneficiary, or loan servicer; and"

And, as amended, do pass.

SB 328, do pass.
SB 337, do pass.
HB 476, be concurred in.

HB 487, be concurred in.

JUDICIARY (Regier, Chair): 3/25/2019
HB 233, be concurred in.
HB 244, be concurred in.
HB 245, be concurred in.
HB 257, be concurred in.
HB 347, be concurred in.
HB 463, be amended as follows:

1. Title, page 1, line 7.
Following: "PROBATIONER;"
Strike: "AND"

2. Title, page 1, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 4, line 25.
Following: line 25
Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in.

TAXATION (Webb, Chair): 3/25/2019
SB 321, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "DISTRICT"
Insert: "THAT HAS ISSUED BONDS"

2. Page 1, line 14.
Strike: "**mandatory**"

3. Page 1, line 15.
Strike: "**unused**"
Insert: "**excess**"

4. Page 1, line 29.
Following: "(3)"
Insert: "(a)"
Following: "7-15-4287"
Insert: "and subsection (3)(b) of this section"
Following: ","

Strike: "if"

5. Page 1, line 30.
Strike: "has" through "levy"
Insert: "may expend or accumulate tax increment"
Following: "for"
Insert: ":
(i)"

6. Page 2, line 1.
Following: "7-15-4288"
Insert: ";
(ii) the cost of issuing bonds; or
(iii) any pledge"
Strike: "or pledged"
Strike: "premiums"
Insert: "any premium"
Strike: "referred"
Insert: "issued pursuant"

7. Page 2, line 2.
Strike: "in"

Strike: ", the excess revenue"
Insert: "and sufficient to fund any reserve fund in respect of the bonds in an amount not to exceed 125% of the maximum principal and interest on the bonds in any year during the term of the bonds.
(b) Any excess tax increment remaining after the use or accumulation of funds as set forth in subsection (3)(a)"

8. Page 2, line 3.
Strike: "(a)"
Insert: "(i)"

9. Page 2, line 5.
Strike: "(b)"
Insert: "(ii)"

10. Page 2.
Following: line 5
Insert: "(c) A targeted economic development district is not subject to the provisions of this subsection (3) if bonds have not been issued to finance the project."

11. Page 2, line 6.
Following: "excess"

Insert: "tax"

12. Page 2, line 12.
Following: "**of**"
Insert: "**urban renewal district**"

13. Page 2, line 13.
Strike: "**contained in urban renewal plan**"
Following: "with"
Insert: "an urban renewal district containing"

14. Page 2, line 14.
Strike: "contained in an urban renewal plan"

15. Page 7, line 18.
Strike: "tax" through "in"

16. Page 7, line 19.
Strike: "district" through "adopted"
Insert: "districts with a tax increment provision created"

And, as amended, do pass.

HB 394, be concurred in.
HB 489, be concurred in.
HB 527, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

Regarding appointments to the Board of Behavioral Health, and the Board of Environmental Review:

March 22, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620 By Electronic Delivery

Dear President Sales:
In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the

included list of board, council and commission appointments for confirmation.

I have included the appropriate statutes and appointees' resumes, biography or other qualification documentation for your consideration.

Stacey Otterstrom, my Boards and Appointments Advisor is available as these appointments move through the confirmation process. She can be reached at (406) 444-4405 or by email at sotterstrom@mt.gov.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/23/2019

SB 1, introduced by S. Malek
SB 182, introduced by K. Bogner
SB 217, introduced by D. Howard

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
3/23/2019

SB 226, introduced by G. Vance

Senate amendments to House bills concurred in: 3/23/2019

HB 98, introduced by F. Garner
HB 450, introduced by B. Tschida

House bills passed and transmitted to the Senate for concurrence: 3/23/2019

HB 5, introduced by J. Keane
HB 6, introduced by J. Keane
HB 7, introduced by J. Keane
HB 9, introduced by T. Woods
HB 11, introduced by J. Keane
HB 376, introduced by R. Fitzgerald
HB 626, introduced by E. Kerr-Carpenter
HB 631, introduced by K. Dudik

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 355, introduced by B. Bennett, J. Bachmeier, Z. Brown, R. Farris-Olsen, M. Funk, J. Hamilton, T. Jacobson, J. Karjala, K. Kelker, C. Keogh, E. Kerr-Carpenter, M. MacDonald, S. Morigeau, A. Olsen, Z. Perry, C. Schreiner, S. Stewart Peregoy, M. Sweeney, M. Weatherwax, referred to Energy and Telecommunications.
SB 356, introduced by D. Ankney, referred to Judiciary.
SB 357, introduced by D. Ankney, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 5, introduced by J. Keane (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 6, introduced by J. Keane (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 7, introduced by J. Keane (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 9, introduced by T. Woods (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 11, introduced by J. Keane (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 376, introduced by R. Fitzgerald, referred to Business, Labor, and Economic Affairs.
HB 626, introduced by E. Kerr-Carpenter, F. Fleming, M. Funk, S. Malek, referred to Business, Labor, and Economic Affairs.
HB 631, introduced by K. Dudik, L. Jones, E. Kerr-Carpenter, R. Lynch, M. Ryan, K. Sullivan, referred to Business, Labor, and Economic Affairs.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bennett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 17 - Senator MacDonald moved **SB 17** do pass.

SB 17 - Senator MacDonald moved **SB 17**, second reading copy, be amended as follows:

1. Title, page 1, line 8.
Following: "AUTHORITY;"

Insert: "ALLOWING CERTAIN AREAS TO BE ANNEXED, WITHDRAWN, OR DETRACTED FROM AN AUTHORITY;"

2. Page 1, line 18.
Strike: "15"
Insert: "19"

3. Page 1, line 21.
Strike: "15"
Insert: "19"

4. Page 1, line 24.
Strike: "15"
Insert: "19"

5. Page 2, line 7.
Strike: "15"
Insert: "19"

6. Page 8, line 27.
Insert: "NEW SECTION. **Section 13. Withdrawal by owner of individual tract adjacent to municipality.** (1) In lieu of the withdrawal procedure provided in [section 12] or the detraction procedure provided in [section 14], if a person owns land within the boundaries of an authority adjacent to a city or town that is not part of the authority, the land may be withdrawn from the authority and annexed to the city or town as provided in this section.

(2)(a) The landowner shall mail notice to the board of the owner's intent to request withdrawal from the authority upon annexation to a city or town.

(b) The landowner must attach a copy of the notice of intention to the petition submitted to the municipal governing body requesting annexation.

(3) Following the adoption of the annexation order under 7-2-4714, the land is withdrawn from the authority."

Insert: "NEW SECTION. **Section 14. Detraction of undeveloped class ten property from authority -- petition -- plan for division.** (1)(a) The board may vote to detract undeveloped class ten property, as classified for the purpose of taxation in 15-6-143, from the authority as set forth in this section.

(b) The undeveloped class ten property proposed to be detracted from the authority may not be wholly surrounded by the property proposed to remain in the authority.

(2)(a) Upon receipt of a petition signed by the owners of 40% or more of the real property within the area proposed to be detracted from the authority and owners of property representing 40% or more of the taxable value of property within the area proposed to be detracted from the authority, the board must prepare a plan for detraction from the authority.

(b) The petition must describe the boundaries of the proposed detracted area and the boundaries of the remaining area.

(c) The board may require the petitioning landowner or landowners to prepare a draft

detraction plan for consideration by the board.

(3) The plan for detraction of the area from the authority must contain, at a minimum, the following information:

(a) a timetable for detraction of the area, including an effective date that must be after the time allowed for protests to the detraction;

(b) a plan for fire and emergency services within the area to be detracted;

(c) the boundary maps of the authority after detraction of the area;

(d) the estimated financial impact of the detraction on an owner of a home valued at $100,000 within the area remaining in the authority after the detraction of the proposed area; and

(e) a method for the fair and equitable division of the assets and liabilities of the authority, if applicable.

(4)(a) Within 30 days of the receipt of the plan required in subsection (3), the board shall set a date for a public hearing on the proposed detraction and shall give notice of the hearing as provided in 7-1-2121.

(b) The board shall also forward a copy of the proposed plan for detraction of the area and provide written notice of the hearing provided in subsection (4)(a) to the governing body of the fire protection jurisdiction that is proposed to be responsible for fire and emergency services within the area after detraction from the authority, if a fire protection jurisdiction is identified.

(5) After the hearing, the plan for detraction must be approved, the petition must be granted, and the area must be detracted from the authority unless, at the time of the hearing provided in subsection (4)(a), protests are provided by:

(a) the owners of 40% or more of the real property in the entire authority and owners of property representing 40% or more of the taxable value of property in the entire authority; or

(b) the governing body of the fire protection jurisdiction proposed to be responsible for fire and emergency services within the area after detraction from the authority, if a fire protection jurisdiction is identified.

(6)(a) Upon the detraction of an area from the authority, any assets and liabilities of the authority must be distributed in accordance with the plan for detraction.

(b) Any detracted area continues to be liable for any existing warrant and bonded indebtedness of the authority."

Insert: "NEW SECTION. **Section 15. Annexation of adjacent fire protection jurisdiction.** (1) A fire protection jurisdiction that is adjacent to the boundary of a regional fire protection service authority is eligible for annexation by the authority.

(2) An annexation is initiated by the adoption of a resolution by the governing body of a fire protection jurisdiction requesting annexation. The resolution requesting annexation must then be filed with the board that is requested to annex the fire protection jurisdiction.

(3) Except as otherwise provided in the regional fire protection service authority plan, on receipt of the resolution requesting annexation, the governing board of the authority may adopt a resolution amending its plan to establish terms and conditions of the requested annexation and submit the resolution and amended plan to the fire protection jurisdiction requesting annexation. An election to authorize the annexation may be held only if the governing body of the fire protection jurisdiction seeking annexation adopts a resolution approving both the annexation and the related amended plan.

(4)(a) An annexation is authorized if the voters in the fire protection jurisdiction proposed

to be annexed approve by a simple majority vote a single ballot measure approving the annexation and related amended plan.

(b) An annexation is effective on the date specified in the ballot measure. If the ballot measure does not specify an effective date, the effective date is on the subsequent first of January or first of July, whichever occurs first."

Insert: "NEW SECTION. **Section 16. Annexation of adjacent territory.** (1) Adjacent territory outside the limits of the authority that is not already a part of an existing fire protection jurisdiction may be annexed to the authority as provided in this section.

(2) A petition in writing by the owners of 40% or more of the real property within the proposed area to be annexed and owners of property representing 40% or more of the taxable value of property within the proposed area to be annexed must be presented to the board for approval.

(3) Within 30 days of receipt of the petition, the board shall set a date for a public hearing on the petition and shall give notice of the hearing as provided in 7-1-2121.

(4) After the hearing, the board must consider the petition and any objections to the annexation. The board must approve the annexation unless, at the time of the hearing on the petition, protests are presented by at least 40% of the owners of real property in the area proposed for annexation and owners of property representing 40% or more of the taxable value of the property in the area proposed for annexation, in which case the annexation must be disapproved."

Renumber: subsequent sections

7. Page 9, line 3.
Strike: "14"
Insert: "18"

8. Page 9, line 17.
Strike: "15"
Insert: "19"

9. Page 11, line 21.
Strike: "15"
Insert: "19"

10. Page 11, line 24.
Strike: "15"
Insert: "19"

11. Page 11, line 28.
Strike: "15"
Insert: "19"

12. Page 12, line 26.
Strike: "15"

Insert: "19"

13. Page 14, line 9.
Strike: "15"
Insert: "19"

14. Page 14, line 28.
Strike: "15"
Insert: "19"

15. Page 16, line 27.
Strike: "15"
Insert: "19"

16. Page 16, line 29.
Strike: "15"
Insert: "19"

17. Page 17, line 7.
Strike: "15"
Insert: "19"

18. Page 17, line 12.
Strike: "15"
Insert: "19"

19. Page 19, line 21.
Strike: "15"
Insert: "19"

20. Page 21, line 18.
Strike: "15"
Insert: "19"

21. Page 22, line 24.
Strike: "29"
Insert: "33"

22. Page 22, line 28.
Strike: "15"
Insert: "19"

23. Page 22, line 30.
Strike: "15"
Insert: "19"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 38

Nays: Brown, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Regier, Vance, Mr President.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 17 - Senator Blasdel moved **SB 17**, second reading copy, be amended as follows:

1. Page 9, line 2.
Strike: "subsections (2)(b), (2)(c), and"
Following: "15-10-420"
Insert: "and subsections (2)(b) through (2)(d) of this section"

2. Page 9.
Following: line 9
Insert: "(d) The amount levied on property classified as forest land pursuant to 76-13-102 must be calculated by reducing the aggregate total levied by the amount paid for wildland fire protection as provided in 76-13-201. If the amount paid for wildland fire protection is greater than the amount levied by the fire authority, the property classified as forest land is exempt from an assessment levied by a fire authority."

3. Page 9, line 26.
Following: "property that is"
Insert: ": (a)"

4. Page 9, line 27.
Following: "15"
Insert: "; or
(b) classified as forest land pursuant to 76-13-102"

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 17 - As amended, **SB 17**, passed as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webb, Webber, Welborn.
Total 32

Nays: Ankney, Brown, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Mr President.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 274 - Senator Gross moved **HB 274** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands,

Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 37

Nays: Ankney, Blasdel, Brown, Ellsworth, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Smith C, Vance, Mr President.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 343 - Senator Esp moved **HB 343** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 505 - Senator Cohenour moved **HB 505** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 518 - Senator Small moved **HB 518** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Jacobson.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 529 - Senator Olszewski moved **HB 529** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 537 - Majority Leader Thomas moved consideration of **HB 537** be passed for the day. Without objection, so ordered.

HB 581 - Senator Small moved **HB 581** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 601 - Senator Salomon moved **HB 601** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 238 - Senator Fielder moved **HB 238** be concurred in.

HB 238 - Majority Leader Thomas moved **HB 238**, second reading copy, be amended as follows:

1. Page 1, line 18.
Strike: "MAY"
Insert: "shall"

2. Page 1, line 24.
Following: "MORE THAN"
Strike: "10"
Insert: "4"

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Flowers, Gross, Jacobson, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 238 - As amended, **HB 238** was concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 586 - Senator Lang moved **HB 586** be concurred in.

HB 586 - Senator Lang moved **HB 586**, second reading copy, be amended as follows:

1. Title, line 8.
Following: "LABORATORIES;"
Insert: "REQUIRING DEVELOPMENT OF A PLAN; PROVIDING FOR AN ADVISORY COMMITTEE;"

2. Page 1, line 22.
Insert: "NEW SECTION. **Section 2. Department of administration required to develop plan -- advisory committee.** (1) The department of administration shall develop a plan for a lease contract that provides an option to purchase for a colocated laboratory for facilities that conduct animal testing for pathogens that could impact public health.

(2) The department of administration shall organize an advisory committee composed of the following:

(a) two members of the house of representatives, one from the majority and one from the minority, appointed by the speaker of the house;

(b) two members of the senate, one from the majority and one from the minority, appointed by the committee on committees;

(c) a person appointed by the executive officer of the department of livestock knowledgeable in the veterinary diagnostic laboratory;

(d) a person appointed by the director of the department of fish, wildlife, and parks knowledgeable in the wildlife laboratory;

(e) a person appointed by the director of the department of agriculture knowledgeable in the analytical laboratory; and

(f) two members appointed by the president of Montana state university-Bozeman, one person representing the university and one person representing MSU extension.

(3) The department of administration shall assist the advisory committee in investigating a process to develop a lease contract.

(4) The director of the department of administration may invite additional federal, state, or private stakeholders to participate in the meetings of the advisory committee. The department may request assistance from the legislative fiscal division and the legislative services division regarding past studies and information on the state labs, including the results of the study commissioned by Chapter 352, Laws of 2017.

(5) The department of administration shall report:

(a) on a quarterly basis to the environmental quality council and the economic affairs interim committee about the progress of the advisory committee; and

(b) submit findings to each committee by September 1, 2020."

Renumber: subsequent section

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 586 - As amended, **HB 586** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Brown.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 129 - Senator Ankney moved **HB 129** be concurred in.

HB 129 - Senator D. Brown moved **HB 129**, second reading copy, be amended as follows:

1. Title, page 1, line 5.
Following: "ELECTIONS"
Insert: "FOR ELECTED COUNTY OFFICERS EXCEPT COUNTY COMMISSIONERS"

2. Title, page 1, line 7.
Following: "7-3-111,"
Strike: "AND"
Following: "7-3-149,"
Insert: "AND 7-3-413,"

3. Page 1, line 25.
Following: "election"
Insert: "for all elected officers except county commissioners that is"

4. Page 1, line 30.
Following: "7-3-149."
Insert: "If the voters approve the question, the type of election for all elected county officers except the county commissioners must change from partisan to nonpartisan or nonpartisan to partisan. The question of changing the election of a county commissioner from a partisan basis to a nonpartisan basis may not be submitted to the voters under this subsection (4)."

5. Page 3, line 21.
Following: line 20
Insert: "Section 4. Section 7-3-413, MCA, is amended to read:
"7-3-413. Type of election. Local government elections shall be conducted on a:
(1) partisan basis, except as provided in [section 1]; or
(2) nonpartisan basis.""
Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary,

Keenan, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Smith C, Vance, Webb.
Total 19

Nays: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn, Mr President.
Total 31

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 129 - President Sales moved consideration of **HB 129** be passed for the day. Without objection, so ordered.

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Bennett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Gross, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 358, introduced by T. Gauthier, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 22, introduced by D. Brown, referred to Highways and Transportation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 170 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Brown, Esp, Fielder, Hinebauch, Kary, Keenan, Osmundson, Vance.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 37 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Ellsworth.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 190 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Blasdel, Brown, Howard, Keenan.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 234 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 268 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Ankney.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 282 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 297 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 305 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 624 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Vance.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 24 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 158 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 192 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 212 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Esp, Howard, Keenan, Vance, Mr President.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for this week:

Jack Leuthold from Billings, sponsored by Senator Webb
Kynan Moon from Helena, sponsored by Senator Gross
Vanessa Splattstoesser from Angora, NE, sponsored by Senator Hinebaugh
Jacob Torgerson from Helena, sponsored by Senator Osmundson

MOTIONS

Senator MacDonald moved that **SB 18** be taken from the Finance and Claims Committee and placed on second reading March 27, 2019, the sixty-third legislative day. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 26

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, March 27, 2019, the sixty-third legislative day. Motion carried.

Senate adjourned at 2:20 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SIXTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 26, 2019 — State Capitol

COMMUNICATION FROM THE PRESIDENT

March 26, 2019

TO: Montana Senators

Senate President Scott Sales has called the Senate into session at 1:00 P.M. on Tuesday, March 26, in order to consider the following:

- Standing Committee Reports
- 1st Reading and Commitment of Bills
- Messages from the House of Representatives
- Announcements

Your attendance is requested in order to allow Senate Finance & Claims to continue meetings on HB2.

****

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Esp. Pledge of Allegiance to the Flag.

Roll Call. Thirty members present. Senators Ankney, Bogner, Cuffe, Ellis, Flowers, Gauthier, Howard, Jacobson, Kary, Keenan, Lang, McConnell, McNally, Olszewski, Osmundson, Salomon, Sesso, C. Smith, Webber, and Welborn, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/26/2019
Correctly printed: **SB 18**, **SB 328**, **SB 337**, **SB 355**, **SB 356**, **SB 357**, **SB 358**, **SJ 22**, **HB 233**, **HB 244**, **HB 245**, **HB 257**, **HB 274**, **HB 343**, **HB 347**, **HB 394**, **HB 476**, **HB 487**, **HB 489**, **HB 505**, **HB 518**, **HB 527**, **HB 529**, **HB 581**, **HB 601**,
Correctly engrossed: **SB 17**, **SB 204**, **SB 216**, **SB 239**, **SB 312**, **SB 321**, **SB 338**, **SB 341**, **SJ 19**, **HB 231**, **HB 238**, **HB 413**, **HB 463**, **HB 502**, **HB 586**.
Correctly enrolled: **SB 64**, **SB 88**, **SB 261**, **SB 274**.
Examined by the sponsor and found to be correct: **SB 1**, **SB 9**, **SB 36**, **SB 46**, **SB 61**, **SB 82**, **SB 217**, **SB 292**, **SR 26**.
Transmitted to the House: **SB 170**, **HB 24**, **HB 37**, **HB 158**, **HB 190**, **HB 192**, **HB 212**, **HB 234**, **HB 268**, **HB 282**, **HB 297**, **HB 305**, **HB 624**.
Signed by the Secretary of the Senate at 9:30 a.m., March 25, 2019: **SB 59**, **SB 84**, **SB 85**, **SB 248**, **SB 260**, **SR 17**, **SR 18**, **SR 19**.
Signed by the President at 5:45 p.m., March 25, 2019: **SB 59**, **SB 84**, **SB 85**, **SB 248**, **SB 260**.
Signed by the President at 8:00 a.m., March 26, 2019: **SR 17**, **SR 18**, **SR 19**.

Signed by the Speaker at 12:00 p.m., March 26, 2019: **SB 59**, **SB 72**, **SB 84**, **SB 85**, **SB 144**, **SB 207**, **SB 248**, **SB 260**.
Delivered to the Secretary of State at 11:30 a.m., March 26, 2019: **SR 17**, **SR 18**, **SR 19**.
Delivered to the Governor at 2:50 p.m., March 26, 2019: **SB 59**, **SB 72**, **SB 84**, **SB 85**, **SB 144**, **SB 207**, **SB 248**, **SB 260**.

REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 3/26/2019
HB 150, be concurred in.
HB 267, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 3/25/2019
SB 204, introduced bill, be amended as follows:

1. Page 1.
Following: line 17
Insert: "(3) An owner may not receive more than two exemptions under this section."

And, as amended, do pass.

SB 216, introduced bill, be amended as follows:

1. Page 1, line 13.
Strike: "The"
Insert: "If the"
Strike: "shall notify" on line 13 through "ombudsman's" on line 16
Insert: "prepares a"
Following: "findings"
Strike: "and conclusions"
Insert: "report involving a child who is the subject of an abuse or neglect petition filed pursuant to Title 41, chapter 3, part 4, the ombudsman shall provide the report to person who filed the petition"
Following: "."
Insert: "The petitioner shall provide the findings report to the court having jurisdiction in the case for an in camera review before providing the report to the parents or parent, guardian, or other person or agency having legal custody of the child named in the petition."

2. Page 1, line 17 through line 18.
Strike: subsection (2) in its entirety
Insert: "(2) If the findings report contains or confirms allegations of partner or family member assault, the court shall direct the petitioner to redact any information that would allow a party receiving the report to identify the name or location of the alleged or confirmed

victim of partner or family member assault before the petitioner provides the report to another party."

And, as amended, do pass.

SB 239, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "FACILITIES"

2. Page 3, line 23.
Following: "cable"
Strike: "facilities"

3. Page 3, line 27.
Following: "cable"
Strike: "facilities"

4. Page 3, line 28.
Following: "cable"
Strike: "facilities"
Insert: "in new fiber optic or coaxial cable"

5. Page 3, line 29.
Following: "cable"
Strike: "facilities"

6. Page 5, line 8.
Following: "CABLE"
Strike: "facilities"

7. Page 5, line 10.
Following: "CABLE"
Strike: "facilities"
Insert: "or the buildings used to house equipment"

8. Page 5, line 14.
Following: "CABLE"
Strike: "FACILITIES"

9. Page 5, line 17.
Following: "CABLE"
Strike: "facilities"

10. Page 5, line 21.

Following: "CABLE"
Strike: "FACILITIES"

11. Page 5, line 22.
Following: "CABLE"
Strike: "FACILITIES"
Insert: "in new fiber optic or coaxial cable"

12. Page 5, line 23.
Following: "CABLE"
Strike: "FACILITIES"

13. Page 6, line 25.
Following: "CABLE"
Strike: "facilities"

14. Page 6, line 27.
Following: "CABLE"
Strike: "FACILITIES"

15. Page 6, line 28.
Following: "CABLE"
Strike: "FACILITIES"
Insert: "in new fiber optic or coaxial cable"

16. Page 6, line 29.
Following: "CABLE"
Strike: "FACILITIES"

And, as amended, do pass.

SB 312, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "GRANT PROGRAM;"
Insert: "CREATING THE MISSING INDIGENOUS PERSONS TASK FORCE;"

2. Title, page 1, line 8.
Following: "REQUIRING THE"
Strike: "BOARD OF CRIME CONTROL"
Insert: "MISSING INDIGENOUS PERSONS TASK FORCE"

3. Title, page 1, line 9.
Following: "PROGRAM"
Strike: "AND PROVIDE TECHNICAL ASSISTANCE TO ESTABLISH AND MAINTAIN THE

NETWORK"

4. Title, page 1, line 10.
Following: "AN"
Insert: "IMMEDIATE"
Following: "DATE"
Insert: "AND A TERMINATION DATE"

5. Page 1, following line 10.
Insert: "WHEREAS, Montana is home to eight recognized tribes with over 55,000 enrolled members; and

WHEREAS, Native women and children experience violent crime at significantly higher rates than other American women and children, including being 10 times more likely to be murdered and 9 times more likely to be sexually assaulted; and

WHEREAS, there are more than 5,600 Native women and children in the United States who are currently listed as missing or abducted; and

WHEREAS, there is no comprehensive data collection system for reporting or tracking missing Native American women and children, creating a reporting and investigation gap that makes Native Americans even more vulnerable to violence; and

WHEREAS, 85% of the Native women and children who went missing between 1900 and 2017 were not listed in the Department of Justice's official database; and

WHEREAS, in 2018, at least 25 Native women and children went missing in Montana, and only 1 was found alive; and

WHEREAS, the likelihood of finding a missing person decreases rapidly after the first 24 hours and falls to less than 4% after 72 hours; and

WHEREAS, families of missing Native women and children often encounter layers of jurisdictional bureaucracy that delay or prevent the filing of official reports for days or weeks; and

WHEREAS, a lack of timely action by law enforcement forces families to use social media and community groups to begin looking for missing Native women and children; and

WHEREAS, Montana's U.S. Senators and Representative are leading the charge to combat this bureaucratic inaction, but are encountering resistance from the government agencies who handle tribal and federal law enforcement; and

WHEREAS, in the absence of a federal solution the Legislature of the state of Montana should take steps to identify and track Native men, women, and children who are currently missing, establish a task force to break down jurisdictional barriers, and provide Montana's native communities with the ability to file missing persons reports in a timely manner."

6. Page 1, line 14 through page 3, line 26.
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Missing indigenous persons task force -- membership -- duties.** (1) There is a missing indigenous persons task force. The task force is allocated to the board of crime control for staffing services and administrative purposes only.

(2) Task force members must be appointed by the board of crime control. The task force membership must include, but is not limited to:

(a) a member of the board of crime control, who is the presiding officer of the task force;

(b) a representative from each tribal government located on the seven Montana reservations and the Little Shell Chippewa tribe;

(c) a member from the Montana highway patrol; and

(d) a representative from the attorney general's office.

(3) While respecting the government-to-government relationship between the state and each tribe, the primary duties of the task force are to:

(a) administer the looping in native communities network grant program provided for in [section 2]; and

(b)(i) identify jurisdictional barriers between federal, state, local, and tribal law enforcement and community agencies; and

(ii) work to identify strategies to improve interagency communication, cooperation, and collaboration to remove jurisdictional barriers and increase reporting and investigation of missing indigenous persons.

(4) (a) The task force members must be appointed within 60 days after [the effective date of this act]. A vacancy on the task force must be filled in the manner of the original appointment.

(b) The task force shall develop and finalize the looping in native communities network grant application and award criteria and deliver the application and criteria to the board of crime control no later than October 15, 2019.

(c) The task force shall select the recipient of the looping in native communities network competitive grant under [section 2(2)] and disburse the grant funds no later than March 15, 2020.

(d) The task force must select eligible grantees and disburse funds for any grants awarded pursuant to [section 2(3)] by June 30, 2020.

(e) The task force shall convene at least one meeting with tribal and local law enforcement agencies, federally recognized tribes, and urban Indian organizations for the purposes of subsection (3)(b) and to determine the scope of the problem of missing indigenous women and children.

(f) The task force shall prepare a written report of findings and recommendations for submission to the state-tribal relations interim committee provided for in 5-5-229, no later than September 1, 2020. The report must include a recommendation to the 67th legislature as to whether the task force should continue in existence. "

Insert: "NEW SECTION. **Section 2. Looping in native communities network grant program.** (1) There is a looping in native communities network grant program. The program is established to create a network in support of efforts by Montana tribes to identify, report, and find Native American persons who are missing. The grant program is administered by the missing indigenous persons task force established in [section 1].

(2) The grant program includes a competitive grant to be awarded to one tribal college to create and administer a central administration point for the looping in native communities network. The missing indigenous persons task force shall develop the application and the criteria to award the grant to a tribal college. The criteria must include:

(a) policies and standards for technology and equipment, including data storage and security of information entered into the network;

(b) standards for data verification;

(c) job qualifications and requirements for a data specialist to administer the network;

(d) development of a system to provide automatic initial alerts pursuant to law enforcement, tribal, and community organizations when a missing indigenous person report is made, including determining which law enforcement agencies will receive the automatic initial alert;

(e) development of a standard reporting form that includes space to provide the information specified in subsection (4) to be used by the data specialist; and

(f) administrative rights for a designee at each participating tribal agency.

(3) The grant program may include additional smaller, noncompetitive grants to be awarded to a qualifying tribal agency at each reservation that submits a complete application. The purpose of the grants awarded under this subsection is to provide reimbursement for some or all of the costs required for the tribal agency to set up and maintain access to the looping in native communities network.

(4) The standard reporting form required under subsection (2)(e) must allow a data specialist to enter information about the missing indigenous person, including but not limited to the missing person's:

(a) name and any aliases or nicknames;

(b) gender, age, height, weight, and other physical descriptive characteristics;

(c) last known location and related information, including the date of last contact with the missing indigenous person and the person with whom the missing indigenous person last made contact; and

(d) photographs, including photographs obtained from an online or social media profile."

Insert: "NEW SECTION. **Section 3. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."

Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

Insert: "NEW SECTION. **Section 5. Termination.** [This act] terminates June 30, 2021."

And, as amended, do pass.

SB 338, introduced bill, be amended as follows:

1. Page 1, line 30.
Strike: "state special revenue"
Insert: "capital projects"

And, as amended, do pass.

SB 352, do pass.
HB 290, be concurred in.

HB 351, be concurred in.
HB 387, be concurred in.
HB 633, be concurred in.
HB 639, be concurred in.

JUDICIARY (Regier, Chair): 3/26/2019
SJ 19, introduced joint resolution, be amended as follows:

1. Page 2, line 7.
Following: "offense;"
Strike: "and"
Following: line 7
Insert: "(5) methods and practice for removal from the sexual and violent offender registry; and"
Renumber: subsequent subsection

2. Page 2, line 15.
Following: "advocates,"
Insert: "county attorneys,"

And, as amended, do pass.

HB 413, be amended as follows:

1. Title, page 1, line 7.
Following: "PRODUCT"
Strike: "AS" through "PRODUCTS"

2. Page 1, line 9.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 50-40-104"

3. Page 1, line 20.
Following: line 20
Insert: "(2) Subsection (1) does not apply to the use of a tobacco product, vapor product, or alternative nicotine product in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member concerning the risks associated with use of a tobacco product, vapor product, or alternative nicotine product."
Renumber: subsequent subsections

4. Page 2, line 14 through page 3, line 6.
Strike: section 2 in its entirety
Renumber: subsequent section

And, as amended, be concurred in.

HB 461, be concurred in.

LOCAL GOVERNMENT (Lang, Chair): 3/25/2019
HB 324, be concurred in.
HB 331, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 3/25/2019
SB 341, introduced bill, be amended as follows:

1. Page 2, line 30.
Following: "(2)"
Strike: "(a)" through "(2)(b), the"
Insert: "The"

2. Page 3, line 2 through line 3.
Strike: subsection (b) in its entirety

And, as amended, do pass.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 3/25/2019
HB 231, be amended as follows:

1. Page 1, line 12.
Following: "~~(a)~~"
Insert: "(a)"

2. Page 1.
Following: line 15
Insert: "(b) Except as provided in 37-7-105, the term does not include immunization by injection for children under 18 years of age."

3. Page 3.
Following: line 23
Insert: "(23) "Immunization-certified pharmacist" means a pharmacist who:
(a) has successfully completed an immunization delivery course of training that is approved by the accreditation council for pharmacy education or by an authority approved by the board and that, at a minimum, includes instruction in hands-on injection technique, clinical evaluation of indications and contraindications of immunizations, storage and handling of immunizations, and documentation and reporting; and
(b) holds a current basic cardiopulmonary resuscitation certification issued by the American heart association, the American red cross, or another recognized provider."
Renumber: subsequent subsections

4. Page 6, line 10.
Following: "may" on line 10
Insert: ":
(a)"

5. Page 6, line 11.
Following: "~~following~~"
Insert: "the following"
Following: "place"
Insert: ":
(i) influenza to individuals who are 12 years of age or older;
(ii) pneumococcal, tetanus, and diptheria to individuals who are 18 years of age or older; and
(iii) herpes zoster to those individuals identified in the guidelines published by the United States centers for disease control and prevention's advisory committee on immunization practices; and
(b) administer immunizations"

6. Page 6, line 12.
Strike: "board rule and based on the board's adoption by rule of"

7. Page 6, line 13.
Following: "prevention"
Insert: "and as determined within a collaborative practice agreement"

8. Page 6, line 19.
Following: "~~older~~"
Insert: "to:
(a) an individual who is 12 years of age or older; and
(b) a child who is 7 years of age or older and under 12 years of age within a collaborative practice agreement"

9. Page 6, line 30.
Strike: "and"

10. Page 6.
Following: line 30
Insert: "(ii) the medical provider or providers with whom the pharmacist has a collaborative practice agreement; and"
Renumber: subsequent subsection

11. Page 7, line 1.
Following: "(ii)"
Strike: "to"

12. Page 7, line 9.
Following: "administered"
Insert: "or until 7 years after the individual reaches 18 years of age, whichever is later"

13. Page 7, line 12 through line 21.
Strike: "the following" on line 12 through ""Vaccine" on line 21
Insert: ""vaccine"

14. Page 7.
Following: line 23
Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If both House Bill No. 596 and [this act] are passed and approved, then [section 2(4)(f) of this act] is void in its entirety."
Renumber: subsequent section

And, as amended, be concurred in.

HB 502, be amended as follows:

1. Page 8, line 15.
Following: "~~neglect~~"
Strike: "child's living arrangement presents an unsafe environment"
Insert: "child is suffering abuse or neglect"

And, as amended, be concurred in.

HB 604, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 3/25/2019
HJ 20, be concurred in.

TAXATION (Webb, Chair): 3/26/2019
SJ 13, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/25/2019

SB 64, introduced by D. Sands
SB 88, introduced by D. Sands
SB 261, introduced by D. Sands
SB 274, introduced by A. Olszewski

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/25/2019

SB 119, introduced by M. Blasdel
SB 310, introduced by R. Osmundson

Senate amendments to House bill concurred in: 3/25/2019

HB 166, introduced by M. Dunwell

Conference Committee Report No.1 adopted: 3/25/2019

HB 35, introduced by E. Buttrey

House bills passed and transmitted to the Senate for concurrence: 3/25/2019

HB 301, introduced by D. Loge
HB 341, introduced by B. Brown
HB 342, introduced by B. Brown
HB 608, introduced by J. Read
HB 657, introduced by D. Bedey
HB 662, introduced by L. Jones
HB 663, introduced by L. Jones
HB 664, introduced by L. Jones
HB 669, introduced by F. Moore
HB 670, introduced by F. Moore
HB 671, introduced by F. Moore
HB 672, introduced by F. Moore
HB 685, introduced by M. Regier
HB 686, introduced by M. Regier
HB 687, introduced by M. Regier

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 359, introduced by B. Bennett, referred to Local Government.
SB 360, introduced by T. Jacobson, referred to Taxation.
SB 361, introduced by M. Blasdel, referred to Natural Resources.
SB 362, introduced by M. Lang, referred to Judiciary.
SB 363, introduced by D. Ankney, referred to State Administration.
SB 364, introduced by D. Brown, referred to State Administration.
SB 365, introduced by D. Brown, referred to Highways and Transportation.

The following Senate resolution was introduced, read first time, and referred to committee:

SR 49, introduced by D. Brown, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 301, introduced by D. Loge, D. Fern, referred to Fish and Game.
HB 341, introduced by B. Brown, Z. Brown, J. Cohenour, M. Cuffe, C. Glimm, B. Hamlett, T. Manzella, J. Sesso, referred to Natural Resources.
HB 342, introduced by B. Brown, Z. Brown, J. Cohenour, M. Cuffe, C. Glimm, B. Hamlett, T. Manzella, J. Sesso, referred to Natural Resources.
HB 608, introduced by J. Read, M. Ryan, D. Salomon, J. Windy Boy, referred to Natural Resources.
HB 657, introduced by D. Bedey, N. Ballance, B. Hamlett, L. Jones, S. Vinton, T. Woods, referred to Education and Cultural Resources.
HB 662, introduced by L. Jones, referred to Finance and Claims.
HB 663, introduced by L. Jones, referred to Finance and Claims.
HB 664, introduced by L. Jones, referred to Finance and Claims.
HB 669, introduced by F. Moore, referred to Finance and Claims.
HB 670, introduced by F. Moore, referred to Finance and Claims.
HB 671, introduced by F. Moore, referred to Finance and Claims.
HB 672, introduced by F. Moore, referred to Finance and Claims.
HB 685, introduced by M. Regier, referred to Finance and Claims.
HB 686, introduced by M. Regier, referred to Finance and Claims.
HB 687, introduced by M. Regier, referred to Finance and Claims.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, March 27, 2019, the sixty-third legislative day. Motion carried.

Senate adjourned at 1:08 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 27, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Salomon. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/27/2019
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-first through the fifty-fifth legislative days, find the same to be correct.

Correctly printed: **SB 352**, **SB 359**, **SB 360**, **SB 361**, **SB 362**, **SB 363**, **SB 364**, **SB 365**, **SR 49**, **SJ 13**, **HB 150**, **HB 267**, **HB 290**, **HB 324**, **HB 331**, **HB 351**, **HB 387**, **HB 461**, **HB 604**, **HB 633**, **HB 639**, **HJ 20**.
Correctly engrossed: **SB 333**, **SB 349**.
Correctly enrolled: **SB 3**, **SB 14**, **SB 52**, **SB 89**, **SB 98**, **SB 163**, **SB 223**, **SB 243**.
Examined by the sponsor and found to be correct: **SB 64**, **SB 88**, **SB 163**, **SB 182**, **SB 261**, **SB 274**.

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Fielder, Chair): 3/26/2019
SB 333, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 1, line 25.
Following: line 24
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective March 1, 2020."

And, as amended, do pass.

SB 344, do pass.
SB 349, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "PUBLIC DISSEMINATION"
Insert: "MISUSE"

2. Title, line 6.
Strike: "AMENDING" through "MCA;"

3. Page 1, line 10.
Strike: "**legislative findings --**"

4. Page 1, line 10 through line 23.
Strike: subsection (1) in its entirety

5. Page 1, line 24.
Strike: "(2)(a)"
Insert: "(1)"

6. Page 1, line 25.
Following: the first "data"
Insert: "from the department"

7. Page 1, line 27.
Strike: "subsection (2)"
Insert: "section"

8. Page 1, line 29.
Strike: "(b)"
Insert: "(2)"

9. Page 2, line 2.
Strike: "(c)"
Insert: "(3)"
Strike: "subsection (2)"
Insert: "section"

10. Page 2, line 4.
Strike: "(d)"
Insert: "(4)"

11. Page 2, line 7 through line 21.
Strike: section 2 in its entirety
Renumber: subsequent sections

12. Page 2, line 24.
Following: the first "chapter"
Strike: "1"
Insert: "6"

13. Page 2, line 24.

Following: the second "chapter"
Strike: "1"
Insert: "6"

And, as amended, do pass.

HB 265, be concurred in.
HB 279, be concurred in.
HB 281, be concurred in.
HB 291, be concurred in.
HB 497, be concurred in.
HJ 18, be concurred in.

JUDICIARY (Regier, Chair): 3/27/2019
SB 326, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
Following: "NATIONALS" on line 5
Strike: remainder of line 5 through "NATIONALS" on line 6

2. Page 1, line 11.
Strike: "(1)"

3. Page 1, line 13.
Strike: "(a)"
Insert: "(1)"

4. Page 1, line 15.
Strike: "(b)"
Insert: "(2)"

5. Page 1, line 16.
Strike: "(i)"
Insert: "(a)"

6. Page 1, line 17.
Strike: "(ii)"
Insert: "(b)"

7. Page 1, line 18.
Strike: "(iii)"
Insert: "(c)"

8. Page 1, line 19.
Strike: "(A)"

Insert: "(i)"

9. Page 1, line 21.
Strike: "(B)"
Insert: "(ii)"

10. Page 1, line 22.
Strike: "(iv)"
Insert: "(d)"

11. Page 1, line 23.
Strike: "(A)"
Insert: "(i)"

12. Page 1, line 24.
Strike: "(B)"
Insert: "(ii)"

13. Page 1, line 25.
Strike: "(v)"
Insert: "(e)"

14. Page 1, line 27.
Strike: "(A)"
Insert: "(i)"

15. Page 1, line 28.
Strike: "(B)"
Insert: "(ii)"

16. Page 1, line 30 through page 2, line 2.
Strike: subsection (2) in its entirety

17. Page 2, line 7.
Following: "expenditure"
Insert: ", in connection with any candidate election"

18. Page 2, line 10 through line 25.
Strike: subsection (3) in its entirety
Renumber: subsequent subsection

And, as amended, do pass.

SB 348, do pass.
SB 354, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/26/2019

SB 3, introduced by J. Gross
SB 14, introduced by D. Brown
SB 52, introduced by D. Sands
SB 89, introduced by D. Brown
SB 98, introduced by F. Smith
SB 163, introduced by S. Fitzpatrick
SB 223, introduced by T. Jacobson
SB 243, introduced by J. Ellis

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:
3/26/2019

SB 295, introduced by T. Richmond

Senate bill not concurred in and returned to the Senate: 3/25/2019

SB 168, introduced by B. Hoven

House bills passed and transmitted to the Senate for concurrence: 3/26/2019

HB 688, introduced by D. Bartel
HB 689, introduced by D. Bartel
HB 690, introduced by D. Bartel

House joint resolution passed and transmitted to the Senate for concurrence: 3/26/2019

HJ 23, introduced by K. Dudik

Governor's amendments to **House bills not** concurred in: 3/26/2019

HB 74, introduced by S. Vinton
HB 112, introduced by A. Redfield

FIRST READING AND COMMITMENT OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 366, introduced by D. Brown, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 688, introduced by D. Bartel, referred to Finance and Claims.
HB 689, introduced by D. Bartel, referred to Finance and Claims.
HB 690, introduced by D. Bartel, referred to Finance and Claims.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 23, introduced by K. Dudik, referred to State Administration.

The following House bill, previously introduced, was referred to committee:

HB 19, introduced by S. Stewart Peregoy, Dudik (by request of the Economic Affairs Interim Committee), referred to Local Government.

Senate recessed at 1:06 p.m. and reconvened at 1:36 p.m.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olszewski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 330 - Majority Leader Thomas moved consideration of **SB 330** be passed for the day. Without objection, so ordered.

HB 537 - Majority Leader Thomas moved consideration of **HB 537** be passed for the day. Without objection, so ordered.

SB 325 - Senator Fitzpatrick moved **SB 325** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President. Total 49

Nays: Vance.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 335 - Senator Fitzpatrick moved **SB 335** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 65 - Senator K. Regier moved **SB 65** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Lang, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Barrett, Boland, Jacobson, Keenan, MacDonald, Vance.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 195 - Senator Cohenour moved **SB 195** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 329 - Senator Richmond moved **SB 329** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Senator Blasdel assumed the chair.

SB 18 - Senator MacDonald moved **SB 18** do pass. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 23

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 27

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 18 - Majority Leader Thomas moved **SB 18** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Olszewski resumed the chair.

SB 331 - Majority Leader Thomas moved consideration of **SB 331** be placed next on the second reading board. Without objection, so ordered.

SB 331 - Senator Richmond moved **SB 331** do pass.

SB 331 - Senator Richmond moved **SB 331**, second reading copy, be amended as follows:

1. Page 2, line 7.
Following: "(1)"
Insert: "(a)"
Strike: "[section 3(3)]"
Insert: "[section 3(3) and (4)] and subsection (1)(c) of this section"

2. Page 2, line 7 through line 9.
Strike: "if" on line 7 through "with" on line 9
Following: "any"
Insert: "prudently incurred and"

3. Page 2, line 10.
Following: "costs"
Insert: "for an increased ownership share of a coal-fired generating unit acquired on or after [the effective date of this act], not to exceed 150 megawatts"

4. Page 2, line 11 through line 12.
Strike: "RETIREMENT" on line 11 through "COMMISSION." on line 12

5. Page 2.
Following: line 12
Insert: "(b) Retirement of a coal-fired generating unit before the expected life used for depreciation purposes must be approved by the public service commission.
(c) Cost recovery for an undepreciated investment and required decommissioning and site remediation costs attributable to an electric utility's share in a coal-fired generating unit acquired before [the effective date of this act] are subject to public service commission review and approval."

6. Page 2, line 13 through line 14.
Strike: "For the" on line 13 through "APPLY:" on line 14

7. Page 2, line 15.
Following: "(A)"
Strike: ""COAL-FIRED"
Insert: "For the purposes of [sections 1 through 3], "coal-fired"

8. Page 2, line 18.
Following: "(B)"
Strike: ""COSTS""
Insert: "For the purposes of [section 3], "costs""

9. Page 2, line 25.
Following: "THE"
Insert: "prudent"

10. Page 2, line 28.
Strike: "$40"
Insert: "$75"
Strike: "5-year"
Insert: "10-year"

11. Page 2, line 28 through line 29.
Strike: "The" on line 28 through "2021." on line 29

12. Page 3.
Following: line 15
Insert: "(4) Cost recovery established in [sections 1 and 2] is provided for if an electric utility acquires an increased ownership share of a coal-fired generating unit on or before December 31, 2021."

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 37

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, Malek, Phillips, Sands, Smith F, Webber.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator McNally arose on a point of personal privilege and stated her concerns with **SB 331**

have nothing to do with shutting down coal and are entirely about ratepayer concerns.

SB 331 - As amended, **SB 331** passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Phillips arose on a point of personal privilege and stated that the Consumer Counsel testified on **SB 331** in committee as part of their constitutional duty.

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Olszewski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 34

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Senator Howard excused at this time.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 274 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 39

Nays: Blasdel, Brown, Ellsworth, Hinebauch, Kary, Lang, Smith C, Vance, Welborn, Mr President.
Total 10

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 343 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 505 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 518 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 529 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 581 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.
Total 0

HB 601 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 125 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.

Total 0

MOTIONS

Senator Cohenour moved that **SB 353** be taken from the Highways and Transportation Committee and placed on second reading the next legislative day. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 24

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 25

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Senator Fitzpatrick moved that **HB 318** be taken from the State Administration Committee and placed on second reading the next legislative day. Motion **carried** as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 29

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 20

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved that **SB 266**, **SB 330** and **SB 341** be taken from the Senate and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, March 28, 2019, the sixty-fourth legislative day. Motion carried.

Senate adjourned at 3:56 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SIXTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 28, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Ellis. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Howard excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/28/2019
Correctly printed: **SB 65**, **SB 195**, **SB 266**, **SB 325**, **SB 329**, **SB 330**, **SB 335**, **SB 341**, **SB 344**, **SB 348**, **SB 366**, **HB 265**, **HB 279**, **HB 281**, **HB 291**, **HB 318**, **HB 497**, **HJ 18**.
Correctly engrossed: **SB 69**, **SB 266**, **SB 326**, **SB 331**, **SB 334**, **SB 346**, **SB 351**, **SB 356**, **SB 358**, **SB 362**, **HB 211**, **HB 481**, **HB 514**, **HB 617**.
Examined by the sponsor and found to be correct: **SB 3**, **SB 52**, **SB 89**, **SB 98**, **SB 14**, **SB 223**, **SB 243**.
Transmitted to the House: **SB 125**, **HB 274**, **HB 343**, **HB 505**, **HB 518**, **HB 529**, **HB 581**, **HB 601**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 3/27/2019
SB 351, introduced bill, be amended as follows:

1. Page 1, line 27.
Strike: "February"
Insert: "April"

2. Page 1, line 28.
Strike: "January"
Insert: "March"
Following: "31."
Insert: "The governor shall appoint board members on or before February 1 of the odd-numbered years that coincide with the expiration of the board members' terms."

3. Page 1, line 30 through page 2, line 1.
Strike: Page 1, line 30 through page 2, line 1 in their entirety

4. Page 2, line 3.
Following: "except"
Insert: "as otherwise provided in this section and except"

And, as amended, do pass.

SB 358, introduced bill, be amended as follows:

1. Page 3, line 10.
Following: "licenses issued under this section"
Insert: "and is more than 30 miles from an agency liquor store"

And, as amended, do pass.

HB 481, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING APPLICABILITY DATES"

2. Page 2, line 3.
Following: "contemplated by this section"
Insert: ": (i)"

3. Page 2, line 4.
Following: "50-40-103"
Insert: ";
(ii) complies with section 403.3 of the 2012 International Mechanical Code of Montana relating to ventilation of buildings and outdoor airflow rates;
(iii) is not located in the same building used by a place of work and is not located in a building used by the public; and
(iv) does not allow people under 21 years of age in the private social club."

4. Page 2, line 5.
Following: line 4
Insert: "NEW SECTION. **Section 2. Applicability.** (1) [This act] requires bona fide private social clubs that go into operation on or after [the effective date of this act] to comply with the 2012 International Mechanical Code of Montana relating to ventilation of buildings as of [the effective date of this act]. Bona fide private social clubs in existence before [the effective date of this act] must comply with the 2012 International Mechanical Code of Montana by October 1, 2022."
(2) [This act] requires bona fide private social clubs that go into operation on or after [the effective date of this act] to comply with 50-40-104(4)(f)(iii). Bona fide private social clubs in operation before [the effective date of this act] may continue operating in the same location that was in operation before [the effective date of this act]. However, a bona fide private social club in operation before [the effective date of this act] that changes locations must comply with 50-40-104(4)(f)(iii).

And, as amended, be concurred in.

HB 584, be concurred in.

HB 617, be amended as follows:

1. Page 4, line 19.
Strike: "**labor**"

2. Page 4, line 27 through line 30.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

2.5 **NEW AMENDMENT** Page 5, line 11.
Strike: "(i)(d)(i)"
Insert: "(i)(c)(i)"

3. Page 5, line 26 through line 27.
Following: "in accordance with subsection"
Insert: "(2) or"
Following: "(3)"
Strike: "or this subsection"

4. Page 6, line 1.
Strike: "subsection (1)(a)"
Insert: "this section"

5. Page 6, line 16.
Strike: "or labor performed"

6. Page 6, line 27 through line 28.
Strike: ", based on the qualified repair" on line 27 through "franchisee" on line 28

7. Page 7, line 18.
Strike: ", or submittable,"

8. Page 9, line 26.
Strike: "chronological"
Insert: "time"

9. Page 11, line 27.
Following: "cancellation,"
Insert: "including vehicles with less than 1,000 miles on the odometer,"

10. Page 12, line 7.
Following: "cancellation"
Insert: ", including vehicles with less than 1,000 miles on the odometer"

11. Page 12, line 15.

Following: "30 days"
Insert: "from the date of the repurchase request"

12. Page 14, line 18.
Strike: "the rate of 15% a year"
Insert: "a rate calculated pursuant to 25-9-205"

13. Page 14, line 29.
Following: "~~not covered by contract~~,"
Insert: "parts,"

14. Page 14, line 30.
Following: "special tools"
Insert: "that are not included in contract remedies"

15. Page 15, line 9.
Following: "120 days"
Strike: "of"
Insert: "prior to"
Following: "date of retirement or"
Insert: "within 120 days after"

16. Page 15, line 16 through 17.
Following: "requirements to be a dealer"
Strike: "or shall employ"
Insert: ". If the designated family member lacks experience required to meet those requirements, then the manufacturer shall allow the successor a reasonable amount of time to meet those requirements provided that during the period, the successor employs"

17. Page 16, line 23.
Following: "61-4-132(2)"
Strike: "and"
Insert: "or"

18. Page 16, line 25.
Strike: "pursuant to 61-4-206 and 61-4-207"

19. Page 18, line 5.
Strike: "thorough"
Insert: "reasonable"

20. Page 18, line 7.
Following: "to the claimant"
Insert: "or manufacturer"

21. Page 18, line 16.
Strike: "pursuant" through "part"

22. Page 18, line 17.
Strike: "warranty,"

23. Page 18, line 18.
Following: "receipt of the claim from the dealer"
Insert: ", unless the claim is properly disapproved"

24. Page 20, line 4.
Strike: "this section"
Insert: "27-2-203"

25. Page 21, line 1.
Following: "franchisor"
Strike: "in a 3-calendar-year period"
Insert: "within 3 calendar years of the date of final disposition of a notice of intention"

26. Page 26, line 3 through line 5.
Following: "products of the line-make" on line 3
Strike: remainder of line 3 through "that community" on line 5

27. Page 26, line 6.
Following: "whether the"
Strike: "population and"
Following: "demographic characteristics"
Insert: ", including population,"

And, as amended, be concurred in.

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/27/2019
HB 41, be concurred in.
HB 211, be amended as follows:

1. Title, page 1, line 10.
Following: "~~RETENTION;~~"
Insert: "ALLOWING IMPACTED SCHOOLS TO PROVIDE LOAN REPAYMENT ASSISTANCE TO ELIGIBLE TEACHERS AFTER COMPLETING A FOURTH YEAR;"

2. Page 9, line 18.
Following: "impacted school"
Insert: "in which:
(a)"
Strike: "in which"

3. Page 9, line 22.
Strike: "school"
Following: "days"
Insert: "; or
(b) a vacancy for the current school year was advertised for a period of at least 30 days and the district received less than five applications from qualified candidates"

4. Page 10, line 27.
Strike: "identify"

5. Page 10, line 28.
Following: "~~are~~"
Insert: "maintain and make publicly available a current list of"

6. Page 10, line 29.
Following: "(b)"
Insert: "based on reporting by impacted schools or school districts in which impacted schools are located, identify"
Strike: "of" through "(1)(a)"
Insert: "impacted school"

7. Page 10, line 30.
Following: "areas"
Insert: "under 20-4-502(1)(a). The board of public education shall also establish a process for impacted schools to report and qualify, no later than 5 days after submission of a written report on a form developed by the board, a current vacancy for a critical quality educator shortage area under the criteria set forth in 20-4-502(1)(b). Critical quality educator shortage areas qualifying under 20-4-502(1)(b) are eligible for loan repayment assistance independent of the report under subsection (2) of this section"

8. Page 11, line 16.
Following: "areas"
Insert: "under 20-4-502(1)(a)"

9. Page 11, line 20.
Strike: "MAY"
Insert: "based on the criteria under 20-4-502(1)(a) must"

10. Page 11, line 26.
Following: "school"
Insert: "or another impacted school within the same school district"

11. Page 11, line 27.
Following: "of"
Insert: "state-funded"

Following: "assistance"
Insert: "and an additional 1 year of loan repayment assistance funded by the impacted school or the district under which the impacted school is operated"

12. Page 11, line 28.
Following: "20-4-504(2)."
Insert: "Both state-funded and locally funded loan repayment assistance under this section is exempt from taxation as specified in 15-20-2110(14)."

13. Page 12, line 3.
Strike: "employed"
Insert: "newly hired"

14. Page 12, line 7.
Following: "eligible for"
Insert: "state-funded"
Following: "years"
Insert: "and an additional 1 year of loan repayment assistance voluntarily funded by the impacted school or the district under which the impacted school is operated"

15. Page 12, line 9.
Following: "$3,000"
Insert: "of state-funded loan repayment assistance"

16. Page 12, line 10.
Following: "$4,000"
Insert: "of state-funded loan repayment assistance"

17. Page 12, line 11.
Strike: "and"

18. Page 12, line 12.
Following: "$5,000"
Insert: "of state-funded loan repayment assistance"

19. Page 12, line 13.
Following: "district"
Insert: "; and
(d) up to $5,000 of loan repayment assistance funded by the impacted school or the district under which the impacted school is operated after the fourth complete year of teaching in the same impacted school or another impacted school within the same school district"

20. Page 12, line 28.
Following: "FUNDING FOR"
Insert: "state-funded"

21. Page 12.
Following: line 30
Insert: "(4) A school district may fund loan repayment assistance under subsection (2)(d) from any state or local revenue from any budgeted or nonbudgeted fund, other than the debt service fund or retirement fund."

22. Page 13.
Following: line 22
Insert: "(4) An impacted school or a school district under which an impacted school is operated may remit payment of the loan on behalf of a quality educator eligible for loan repayment assistance under this section in accordance with 20-4-504."

23. Page 14, line 1.
Following: "~~20-4-504(4).~~"
Insert: "state-funded"

And, as amended, be concurred in.

HB 295, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 3/26/2019
SB 346, introduced bill, be amended as follows:

1. Page 10, line 22.
Following: "(24)"
Strike: "(a)"

2. Page 10, line 25 through line 28.
Strike: subsection (b) through subsection (c) in their entirety

And, as amended, do pass.

SB 365, do pass.

JUDICIARY (Regier, Chair): 3/28/2019
SB 356, introduced bill, be amended as follows:

1. Page 1, line 24.
Following: line 24
Insert: "(3) "Disbursement" means any purchase or payment made by:
(a) a political committee; or
(b) any other person, including an organization that is not a political committee, that is subject to [section 3]."
Renumber: subsequent subsections

2. Page 4, line 25.
Following: "[section 3]"
Insert: ", except a 501(c)(3) nonprofit corporation,"

3. Page 5, line 8.
Following: "[section 3]
"
Insert: ",except a 501(c)(3) nonprofit corporation,"

And, as amended, do pass.

SB 362, introduced bill, be amended as follows:

1. Page 1, line 9.
Strike: everything after the enacting clause
Insert: "Section 1. Section 44-4-1202, MCA, is amended to read:

"44-4-1202. Purpose -- definitions. (1) The legislature declares that driving in Montana upon a way of this state open to the public is a privilege, not a right. A driver who wishes to enjoy the benefits of this privilege shall accept the corresponding responsibilities.

(2) The legislature further declares that the purpose of this part is:

(a) to protect the public health and welfare by reducing the number of people on Montana's highways who drive under the influence of alcohol or dangerous drugs;

(b) to protect the public health and welfare by reducing the number of repeat offenders for crimes in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime;

(c) to strengthen the pretrial and posttrial options available to prosecutors and judges in responding to repeat DUI offenders or other repeat offenders who commit crimes in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime; and

(d) to ensure timely and sober participation in judicial proceedings.

(3) As used in this part, the following definitions apply:

(a) "Core components" means those elements of a sobriety program that analysis demonstrates are most likely to account for positive program outcomes.

(b) "Dangerous drug" has the meaning provided in 50-32-101.

(c) "Department" means the department of justice provided for in 2-15-2001.

(d) "Immediate sanction" means a sanction that is applied within minutes of a noncompliant test event.

(e) "Law enforcement agency" means the county sheriff's office or another law enforcement agency designated by the county sheriff's office that is charged with enforcing the sobriety program.

(f) "Sobriety program" or "program" means the 24/7 sobriety and drug monitoring program established in 44-4-1203, which authorizes a court or an agency as defined in 2-15-102, as a condition of bond, sentence, probation, parole, or work permit, to:

(i) require an individual who has been charged with or convicted of a crime in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime, including but not limited to a second or subsequent offense of driving under the influence of alcohol

or dangerous drugs, to abstain from alcohol or dangerous drugs for a period of time; and

(ii) require the individual to be subject to testing to determine the presence of alcohol or dangerous drugs~~:~~.

~~(A) twice a day at a central location where immediate sanctions may be applied;~~

~~(B) when testing twice a day is impractical, by continuous, remote sensing, or transdermal alcohol monitoring by means of an electronic monitoring device that allows timely sanctions to be applied; or~~

~~(C) with the concurrence of the department, by an alternate method that is consistent with 44-4-1203.~~

(g) "Testing" means a procedure for determining the presence and level of alcohol or a dangerous drug in an individual's breath or body fluid, including blood, urine, saliva, or perspiration, and includes any combination of the use of in person or remote breath testing, drug patch testing, urinalysis testing, saliva testing, or continuous remote ~~sensing~~, ~~or~~ transdermal alcohol monitoring. With the concurrence of the department and consistent with 44-4-1203, alternate body fluids may be approved for testing.

(h) "Timely sanction" means a sanction that is applied as soon as practical following a noncompliant test event.""

Insert: "Section 2. Section 44-4-1203, MCA, is amended to read:

"44-4-1203. Sobriety and drug monitoring program created. (1) There is a statewide 24/7 sobriety and drug monitoring program within the department to be administered by the attorney general.

(2) (a) The core components of the sobriety program must include use of a primary testing methodology for the presence of alcohol or dangerous drugs that:

(i) best facilitates the ability to apply immediate sanctions for noncompliance; and

(ii) is available at an affordable cost.

(b) Primary testing methods for alcohol include twice-a-day, in-person breath testing at a central location and other methodologies approved by the department. Primary testing methodologies must utilize devices that are capable of determining alcohol concentrations below an equivalent breath alcohol concentration of 0.010 grams per 210 liters of breath. If the primary testing methodology is a breath alcohol analysis, the device utilized must be listed on the most recent conforming products list for evidential breath alcohol measurement devices as published by the national highway traffic safety administration.

~~(b)~~(c) In cases of hardship or when a sobriety program participant is subject to less-stringent testing requirements, testing methodologies with timely sanctions for noncompliance may be utilized. Hardship testing methodologies include the use of transdermal alcohol monitoring devices, remote breath test devices, and other methods approved by the department. A hardship testing methodology may be used if the court or agency determines that hardship factors, including but not limited to distance from or lack of access to a primary testing method site, prevent the

reasonable use of a primary testing method.

(3) The sobriety program must be supported by evidence of effectiveness and satisfy at least two of the following categories:

(a) the program is included in the federal registry of evidence-based programs and practices;

(b) the program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome; or

(c) the program has been documented as effective by informed experts and other sources.

(4) If a law enforcement agency chooses to participate in the sobriety program, the department shall assist in the creation and administration of the program in the manner provided in this part. The department shall also assist entities participating in the program in determining alternatives to incarceration.

(5) (a) If a law enforcement agency participates in the program, the law enforcement agency may designate an entity to provide the testing services or to take any other action required or authorized to be provided by the law enforcement agency pursuant to this part, except that the law enforcement agency's designee may not determine whether to participate in the sobriety program.

(b) The law enforcement agency shall establish the testing locations and times for the county but must have at least one testing location and two daily testing times approximately 12 hours apart.

~~(6) Any efforts by the department to alter or modify the core components of the statewide sobriety program must include a documented strategy for achieving and measuring the effectiveness of the proposed modifications. Before core components may be modified, a pilot program with defined objectives and timelines must be initiated in which measurements of the effectiveness and impact of any proposed modifications to the core components are monitored. The data collected from the pilot program must be assessed by the department, and a determination must be made as to whether the stated goals were achieved and whether the modifications should be formally implemented in the sobriety program.~~

~~(7)~~(6) All alcohol or drug testing ordered by a court must utilize the data management technology plan provided for in 44-4-1204(4). All alcohol or drug testing ordered by a court must utilize the data management technology system in accordance with the data management technology plan provided for in 44-4-1204(4). The data is owned by the state and maintained by the department. Approved testing methodologies, whether designated as primary or hardship, must be capable of electronically transferring data directly into the data management technology system through a department-approved interface.

~~(8)~~(7) ~~Alcohol~~ In order to provide a more complete record of drug and alcohol testing results, any alcohol or drug testing required by ~~the department of corrections pursuant to this part~~ other state or local agencies ~~must~~ may utilize the data management technology ~~plan provided for in 44-4-1204(4)~~ system.""

Insert: "Section 3. Section 44-4-1205, MCA, is amended to read:

"44-4-1205. Authority of court to order participation in sobriety and drug monitoring program -- probationary license -- imposition of conditions. (1) (a) Any court or agency utilizing

the sobriety program may stay any sanctions that it imposed against an offender while the offender is in compliance with the sobriety program.

(b) If an individual convicted of the offense of aggravated driving under the influence in violation of 61-8-465, a second or subsequent offense of driving under the influence in violation of 61-8-401, or a second or subsequent offense of driving with excessive alcohol concentration in violation of 61-8-406 has been required to participate in the sobriety program, the court may, upon the individual's ~~successful completion of a court-approved chemical dependency treatment program and~~ obtaining proof of insurance pursuant to 61-6-301, notify the department that as a participant in the sobriety program, the individual is eligible for a restricted probationary driver's license pursuant to 61-2-302, notwithstanding the requirements of 61-5-208 that an individual is required to complete a certain portion of a suspension period before a probationary license may be issued.

(c) If the individual fails to comply with the requirements of the sobriety program, the court may notify the department of the individual's noncompliance and direct the department to withdraw the individual's probationary driver's license and reinstate the remainder of the suspension period provided in 61-5-208.

(2) Upon an offender's participation in the sobriety program and payment of the fees required by 44-4-1204:

(a) the court may condition any bond or pretrial release for an individual charged with a violation of 61-8-465, a second or subsequent violation of 61-8-401 or 61-8-406, or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime;

(b) the court may condition the granting of a suspended execution of sentence or probation for an individual convicted of a violation of 61-8-465, a second or subsequent violation of 61-8-401 or 61-8-406, or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime;

(c) the board of pardons and parole may condition parole for a violation of 61-8-465, a second or subsequent violation of 61-8-401 or 61-8-406, or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime; or

(d) the department of corrections may establish conditions for conditional release for a violation of 61-8-465, a second or subsequent violation of 61-8-401 or 61-8-406, or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime.

(3) An entity referred to in subsections (2)(a) through (2)(d) may condition any bond or pretrial release, suspended execution of sentence, probation, parole, or conditional release as provided in those subsections for an individual charged with or convicted of a violation of any statute involving domestic abuse or the abuse or neglect of a minor if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime regardless of whether the charge or conviction was for a first, second, or subsequent violation of the statute.

(4) A person is eligible to participate in and a court may compel a person to participate in a sobriety program if the person:

(a) is charged with violating 61-8-465; or

(b) (i) is charged with or has been convicted of violating 61-8-401 or 61-8-406; and

(ii) at any time in the 10 years preceding the date of the current charge or conviction:

(A) has been convicted in this state of a violation of 61-8-401, 61-8-406, or 61-8-465;

(B) has been convicted of a violation of a statute or regulation in another state or on a federally recognized Indian reservation that is similar to 61-8-401, 61-8-406, or 61-8-465; or

(C) has forfeited bail or collateral deposited to secure the defendant's appearance in court in this state, in another state, or on a federally recognized Indian reservation for a charge of violating 61-8-401, 61-8-406, 61-8-465, or a similar statute or regulation and the forfeiture has not been vacated.

(5) As used in this section, "conviction" has the meaning provided in 45-2-101.""

And, as amended, do pass.

LOCAL GOVERNMENT (Lang, Chair): 3/27/2019
SB 359, do pass.

NATURAL RESOURCES (Welborn, Chair): 3/27/2019
SB 343, do pass.

STATE ADMINISTRATION (Brown, Chair): 3/27/2019
SB 319, do pass.
SB 364, introduced bill, be amended as follows:

1. Page 2, line 4.
Strike: "(1)(g)"
Insert: "(1)(i)"

And, as amended, do pass.

TAXATION (Webb, Chair): 3/27/2019
SB 266, introduced bill, be amended as follows:
1. Page 1, line 23.
Strike: "for the project"

2. Page 1, line 26.
Strike: "project"
Strike: ", including benefits"
Following: ";"
Insert: "and"

3. Page 1, line 27.
Strike: subsection (d) in its entirety
Renumber: subsequent subsection

4. Page 1, line 28.
Following: "whether the"
Strike: "an"

5. Page 1, line 30.
Strike: "(5)"
Insert: "(4)"
Renumber: subsequent subsections

6. Page 2, line 14.
Strike: "the accounts of"

7. Page 2, line 23 through line 24.
Strike: "during" on line 23 through "period" on line 24
Insert: "starting with calendar year 2019 and ending in calendar year 2029"

8. Page 2, line 25 through line 26.
Strike: subsection (c) in its entirety
Renumber: subsequent sections

9. Page 3, line 1.
Strike: "the credit period"
Insert: "any calendar year starting with calendar year 2019 and ending in calendar year 2029,"

10. Page 3, line 5 through line 7.
Strike: subsection (h) in its entirety
Renumber: subsequent subsection

11. Page 3, line 9 through line 22.
Strike: subsection (j) through subsection (k) in their entirety
Insert: "(h) Qualifying net job growth" means net job growth equal to at least five jobs during the first year the credit is claimed and at least 10 total jobs during any subsequent calendar year. In order to qualify, the net job growth must be associated with a project in Montana that encourages, promotes, and stimulates economic development in key economic sectors, including but not limited to agriculture, energy or natural resource development, tourism, construction, information technology, aerospace, health care, bioscience, and life science.

(i)(i) "Qualifying new employee" means an employee of a qualifying employer:

(A) who is hired any calendar year starting with calendar year 2019 and ending in calendar year 2029;

(B) who is employed at least 6 months during the year for which the credit is granted; and

(C) with an average yearly wage of at least $45,000, plus benefits.

(ii) The term does not include an employee:

(A) previously employed by the employer or a predecessor; or

(B) hired to replace an employee of a predecessor."

12. Page 4, line 2.
Strike: "exceed"
Insert: "exceeds"

13. Page 4, line 23.
Following: "."
Insert: "This information is not subject to the confidentiality requirements of 15-30-2618 or 15-31-511."

14. Page 5, line 25.
Strike: "or"

15. Page 5, line 28.
Following: "15-30-2630"
Insert: "; or
(d) the delivery of information to the revenue and transportation interim committee relating to the job growth incentive tax credit as provided in [section 2]"

16. Page 8.
Following: line 21
Insert: "(e) the delivery of information to the revenue and transportation interim committee relating to the job growth incentive tax credit as provided in [section 2];"
Renumber: subsequent subsection

And, as amended, do pass.

HB 514, be amended as follows:

1. Page 1, line 15.
Following: "mailed"
Insert: "or, with property owner consent, provided electronically"

And, as amended, be concurred in.

TAXATION (Webb, Chair): 3/28/2019
SB 69, introduced bill, be amended as follows:

1. Title, page 1, line 8.
Strike: "15-6-133,"
Following: "15-7-202"
Strike: ","

2. Page 1, line 14 through page 5, line 17.
Strike: section 1 through section 2 in their entirety
Insert: "Section 1. Section 15-7-202, MCA, is amended to read:
"15-7-202. Eligibility of land for valuation as agricultural. (1) (a) Contiguous parcels of land totaling 160 acres or more under one ownership are eligible for valuation, assessment, and taxation as agricultural land each year that none of the parcels is devoted to a residential, commercial, or industrial use.

(b) (i) Contiguous parcels of land of 20 acres or more but less than 160 acres under one ownership that are actively devoted to agricultural use are eligible for valuation, assessment, and taxation as agricultural land if:

(A) the land is used primarily for raising and marketing, as defined in subsection (1)(c), products that meet the definition of agricultural in 15-1-101 and if, except as provided in subsection (3), the owner or the owner's immediate family members, agent, employee, or lessee markets not less than $1,500 in annual gross income from the raising of agricultural products produced by the land; or

(B) the parcels would have met the qualification set out in subsection (1)(b)(i)(A) were it not for independent, intervening causes of production failure beyond the control of the producer or a marketing delay for economic advantage, in which case proof of qualification in a prior year will suffice.

(ii) Noncontiguous parcels of land that meet the income requirement of subsection (1)(b)(i) are eligible for valuation, assessment, and taxation as agricultural land under subsection (1)(b)(i) if:

(A) the land is an integral part of a bona fide agricultural operation undertaken by the persons set forth in subsection (1)(b)(i) as defined in this section; and

(B) the land is not devoted to a residential, commercial, or industrial use.

(iii) Parcels of land that are part of a family-operated farm, family corporation, family partnership, sole proprietorship, or family trust that is involved in Montana agricultural production consisting of 20 acres or more but less than 160 acres that do not meet the income requirement of subsection (1)(b)(i) may also be valued, assessed, and taxed as agricultural land if the owner:

(A) applies to the department requesting classification of the parcel as agricultural;

(B) verifies that the parcel of land is greater than 20 acres but less than 160 acres and that the parcel is located within 15 air miles of the family-operated farming entity referred to in subsection (1)(b)(iii)(C); and

(C) verifies that:

(I) the owner of the parcel is involved in agricultural production by submitting proof that 51% or more of the owner's Montana annual gross income is derived from agricultural production; and

(II) property taxes on the property are paid by a family corporation, family partnership, sole proprietorship, or family trust that is involved in Montana agricultural production and 51% of the entity's Montana annual gross income is derived from agricultural production; or

(III) the owner is a shareholder, partner, owner, or member of the family corporation, family partnership, sole proprietorship, or family trust that is involved in Montana agricultural production and 51% of the person's or entity's Montana annual gross income is derived from agricultural production.

(c) For the purposes of this subsection (1):

(i) "marketing" means the selling of agricultural products produced by the land and includes but is not limited to:

(A) rental or lease of the land as long as the land is actively used for grazing livestock or for other agricultural purposes; and

(B) rental payments made under the federal conservation reserve program or a successor to that program;

(ii) land that is devoted to residential use or that is used for agricultural buildings and is included in or is contiguous to land under the same ownership that is classified as agricultural land, other than nonqualified agricultural land described in 15-6-133(1)(c), must be classified as

agricultural land, and the land must be valued as provided in 15-7-206.

(2) Contiguous or noncontiguous parcels of land totaling less than 20 acres under one ownership that are actively devoted to agricultural use are eligible for valuation, assessment, and taxation as agricultural each year that the parcels meet any of the following qualifications:

(a) except as provided in subsection (3), the parcels produce and the owner or the owner's agent, employee, or lessee markets not less than $1,500 in annual gross income from the raising of agricultural products as defined in 15-1-101;

(b) the parcels would have met the qualification set out in subsection (2)(a) were it not for independent, intervening causes of production failure beyond the control of the producer or marketing delay for economic advantage, in which case proof of qualification in a prior year will suffice; or

(c) in a prior year, the parcels totaled 20 acres or more and qualified as agricultural land under this section, but the number of acres was reduced to less than 20 acres for a public use described in 70-30-102 by the federal government, the state, a county, or a municipality, and since that reduction in acres, the parcels have not been further divided.

(3) For grazing land to be eligible for classification as agricultural land under subsections (1)(b) and (2), the land must be capable of sustaining a minimum number of animal unit months of carrying capacity. The minimum number of animal unit months of carrying capacity must equate to $1,500 in annual gross income as determined by the Montana state university-Bozeman department of agricultural economics and economics.

(4) The grazing on land by a horse or other animals kept as a hobby and not as a part of a bona fide agricultural enterprise is not considered a bona fide agricultural operation.

(5) (a) Upon application by the property owner, the following parcels of land are eligible for provisional agricultural classification for 5 years to allow crops to reach salable maturity:

(i) a fruit orchard consisting of a minimum of 100 live fruit trees maintained using accepted fruit tree husbandry practices, including pest and disease management, fencing, and a watering system;

(ii) a vineyard containing a minimum of 120 live vines maintained using accepted husbandry practices, including weed and grass maintenance, pest and disease management, pruning, and trellising and staking; and

(iii) property containing a minimum of 2,000 live Christmas trees cultivated according to accepted husbandry practices, including regular shearing.

(b) Following the 5th year of provisional agricultural classification, the property owner shall submit an application for agricultural classification. The application must include documentation proving that the property continues to meet the requirements of subsection (5)(a) and that the income requirements of subsection (2)(a) have been met.

~~(5)~~(6) The department may not classify land less than 160 acres as agricultural unless the owner has applied to have land classified as agricultural land. Land of 20 acres or more but less than 160 acres for which no application for agricultural classification has been made is valued as provided in 15-6-133(1)(c) and is taxed as provided in 15-6-133(3). If land has been valued, assessed, and taxed as agricultural land in any year, it must continue to be valued, assessed, and taxed as agricultural until the department reclassifies the property. A reclassification does not mean revaluation pursuant to 15-7-111.

~~(6)~~(7) For the purposes of this part, growing timber is not an agricultural use.""

Renumber: subsequent sections

3. Page 5, line 24.
Strike: "(6)"
Insert: "(1)(c)(ii)"

And, as amended, do pass.

SB 334, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 9.
Strike: "PROVIDING" on line 8 through "BONDS;" on line 9

2. Page 3, line 22 through line 23.
Strike: "may only be" on line 22 through "bonds and" on line 23
Strike: "as provided in 67-11-301" on line 23

And, as amended, do pass.

SB 360, do pass.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 205**
Report No. 001, March 27, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 205** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 205** (reference copy -- salmon) be amended as follows:

1. Page 1, line 29.
Following: "is"
Strike: "NOT"
Following: "~~not~~"
Insert: "not"

For the Senate:
Fielder, Chair
Flowers
Hinebauch

For the House:
Shaw, Vice Chair
Buttrey
Perry

Without objection, the select committee report was adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 3/27/2019

SB 157, introduced by A. Olszewski

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:
3/27/2019

SB 5, introduced by D. Sands
SB 158, introduced by G. Vance

Senate amendments to House bill concurred in: 3/27/2019

HB 132, introduced by K. Holmlund

House bills passed and transmitted to the Senate for concurrence: 3/27/2019

HB 10, introduced by K. Holmlund
HB 695, introduced by J. Keane

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 10, introduced by K. Holmlund (by request of the Department of Administration and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 695, introduced by J. Keane, G. Hertz, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 245 - Senator McNally moved **SB 245** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 35

Nays: Blasdel, Brown, Ellsworth, Esp, Hinebauch, Kary, Keenan, Lang, Osmundson, Smith C, Thomas, Vance, Webb, Mr President.
Total 14

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 328 - Senator Richmond moved **SB 328** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 43

Nays: Barrett, Brown, Esp, Keenan, Pomnichowski, Vance.
Total 6

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 337 - Senator Welborn moved **SB 337** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr

President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 204 - Senator MacDonald moved **SB 204** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 40

Nays: Blasdel, Brown, Esp, Hinebauch, Keenan, Lang, Tempel, Vance, Mr President.
Total 9

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 351 - Senator Salomon moved **HB 351** be concurred in.

HB 351 - Senator K. Regier moved **HB 351**, second reading copy, be amended as follows:

1. Title, page 1, line 9.
Following: "LIMITED"
Insert: "VOTED"

2. Title, page 1, line 10 through line 11.
Strike: "ENSURING" on line 10 through "INCREASES;" on line 11

3. Title, page 1, line 12.
Strike: "AMENDING SECTION 20-9-116;"

4. Page 4, line 12.
Following: "met,"
Insert: "and with annual approval of the qualified electors of the district,"
Strike: "permissive"

5. Page 4, line 13.
Following: "(4)."
Insert: "The election must be conducted in accordance with the school election laws of this title, and the electors qualified to vote in the election must be qualified under the provisions of 20-20-301. The ballot for a proposition under this subsection (5)(a) must be substantially in compliance with 15-10-425."

6. Page 5, line 16 through page 6, line 7.
Strike: section 3 in its entirety
Renumber: subsequent sections

Amendment **not** adopted as follows:

Yeas: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Phillips, Pomnichowski, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 22

Nays: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 27

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 351 - Thereupon, the Senate reverted to the original motion of Senator Salomon which carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips,

Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Hinebauch, Keenan, Malek, Regier, Vance, Mr President.
Total 6

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 387 - Senator Blasdel moved **HB 387** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 38

Nays: Barrett, Esp, Fielder, Hinebauch, Keenan, Lang, MacDonald, Olszewski, Pomnichowski, Vance, Mr President.
Total 11

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 239 - Senator Ellsworth moved **SB 239** do pass.

SB 239 - Senator Ellsworth moved **SB 239**, second reading copy, be amended as follows:

1. Page 5, line 11 through line 12.
Strike: "OR THE BUILDINGS USED TO HOUSE EQUIPMENT"

2. Page 5, line 15.
Following: "~~FACILITIES~~"
Insert: "or the buildings used to house equipment"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 239 - As amended, **SB 239**, passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, Malek, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 37

Nays: Barrett, Boland, Cohenour, Ellis, Esp, Keenan, MacDonald, McClafferty, Pomnichowski, Sands, Smith F, Webber.
Total 12

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 312 - Senator Small moved **SB 312** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven,

Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 338 - Senator Gauthier moved **SB 338** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 18

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 352 - Majority Leader Thomas moved **SB 352** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Esp, Fielder, Keenan.
Total 3

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 35 - **Conference Committee Report No. 1** - Senator Fitzpatrick moved the Conference Committee report to **HB 35** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 41

Nays: Bogner, Brown, Esp, Fielder, Hinebauch, Keenan, Olszewski, Smith C.
Total 8

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 226 - **House Amendments** - Senator Vance moved House amendments to **SB 226** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 119 - **House Amendments** - Senator Blasdel moved House amendments to **SB 119** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 310 - **House Amendments** - Senator Osmundson moved House amendments to **SB 310** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Barrett, Bennett, Boland, Cohenour, Pomnichowski.
Total 5

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 295 - **House Amendments** - Senator Richmond moved House amendments to **SB 295** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 12 - **House Amendments** - Senator Salomon moved **do not concur in** House amendments to **SB 12**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Bogner, Brown, Fielder, Hinebauch, Vance.
Total 5

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 74 - **Governor's Amendments** - Senator Fitzpatrick moved **do not concur in** Governor's amendments to **HB 74**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 112 - **Governor's Amendments** - Senator Olszewski moved **do not concur in** Governor's amendments to **HB 112**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 216 - Senator R. Webb moved **SB 216** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber.
Total 21

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 15 - Senator Sesso moved **HB 15** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Cuffe, Kary, Regier, Tempel, Vance, Mr President.
Total 6

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 129 - Senator Ankney moved **HB 129** be concurred in.

HB 129 - Senator S. Sales moved **HB 129**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Following: "PARTISAN;"
Insert: "REVISING THE USE OF PARTY NAME OR SYMBOL;"

2. Title, page 1, line 7.
Following: "7-3-111,"
Strike: "AND"
Following: "7-3-149,"
Insert: "AND 13-10-602,"

3. Page 3.
Following: line 20
Insert: "Section 4. Section 13-10-602, MCA, is amended to read:

"13-10-602. Use of party name. (1) ~~A~~ Except as provided in subsection (3), a political party and its regularly nominated candidates, members, and officers have the sole and exclusive right to the use of the party name. A candidate for office may not use any word of the name of any other political party or organization other than that by which the candidate is nominated in a manner that indicates or implies the individual is a candidate of the nonnominating party.

(2) An independent or nonpartisan candidate, except as provided in subsection (3), may not use any word of the name of any existing political party or organization in the candidacy in a manner that indicates or implies that the individual is a candidate of that party or organization.

(3) A candidate for an elective office under an elected county official government provided for in 7-3-111 who is running in an election conducted after electors have approved a change pursuant to 7-3-103(4) in the type of election held from partisan to nonpartisan may use a party name or symbol in the candidate's campaign material.""
Renumber: subsequent section

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.

Total 0

HB 129 - As amended, **HB 129** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Webb, Welborn, Mr President.
Total 31

Nays: Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Jacobson, Kary, Keenan, Lang, Olszewski, Pomnichowski, Regier, Smith C, Smith F, Vance, Vuckovich, Webber.
Total 18

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Kary, Smith F, Vuckovich.
Total 3

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 17 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webb, Webber.
Total 31

Nays: Bogner, Brown, Cuffe, Esp, Fielder, Hinebauch, Hoven, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Welborn, Mr President.
Total 18

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 65 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Kary, Lang, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Webb, Webber, Welborn, Mr President.
Total 39

Nays: Barrett, Boland, Fielder, Jacobson, Keenan, MacDonald, Malek, Pomnichowski, Vance, Vuckovich.
Total 10

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 195 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 325 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Hinebauch, Olszewski, Vance.
Total 3

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 329 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon,

Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 28

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fielder, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 21

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 335 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Pomnichowski.
Total 1

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 238 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 26

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso,

Smith F, Vuckovich, Webber, Welborn.
Total 23

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 586 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Brown, Malek.
Total 2

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 290 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 21

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Senator Jacobson moved that **SB 324** be taken from the Judiciary Committee and placed on second reading tomorrow. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webb, Webber.
Total 28

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Welborn, Mr President.
Total 21

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Senator Cohenour moved that **SB 353** be taken from the Highways and Transportation Committee and placed on second reading tomorrow. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 25

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 24

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.
Total 0

Senator Hoven moved that **SB 340** be taken from the Taxation Committee and placed on second reading tomorrow. Motion **failed** as follows:

Yeas: Ankney, Bennett, Blasdel, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, McNally, Olszewski, Phillips, Regier, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Welborn.
Total 24

Nays: Barrett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Malek, McClafferty, McConnell, Osmundson, Pomnichowski, Salomon, Smith C, Tempel, Vance, Webber, Mr President.
Total 25

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m. Friday, March 29, 2019, the sixty-fifth legislative day. Motion carried.

Senate adjourned at 3:00 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SIXTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
March 29, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Bogner. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Howard excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 3/29/2019
Correctly printed: **SB 204**, **SB 216**, **SB 245**, **SB 266**, **SB 312**, **SB 319**, **SB 321**, **SB 324**, **SB 326**, **SB 328**, **SB 330**, **SB 333**, **SB 337**, **SB 338**, **SB 341**, **SB 343**, **SB 344**, **SB 346**, **SB 348**, **SB 349**, **SB 351**, **SB 352**, **SB 353**, **SB 354**, **SB 356**, **SB 359**, **SB 360**, **SB 362**, **SB 363**, **SB 365**, **SR 50**, **SJ 13**, **HB 15**, **HB 41**, **HB 295**, **HB 351**, **HB 387**, **HB 520**, **HB 584**.
Correctly engrossed: **SB 239**, **SB 265**, **SB 324**, **SB 358**, **SB 364**, **SB 365**, **HB 129**.
Correctly enrolled: **SB 157**.
Transmitted to the House: **SB 65**, **SB 195**, **SB 325**, **SB 329**, **SB 335**, **HB 238**, **HB 290**, **HB 586**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 3/28/2019
HB 2, be amended as follows:

1. Page A-3, line 8: State Auditor's Office.
Strike: "181,334 181,334" [State Special Fund FY20 FY21]
Insert: "139,250 142,800" [State Special Fund FY20 FY21]

2. Page A-3, line 22:
Strike: "13,996,935 13,999,540" [General Fund FY 2020 FY 2021]
Insert: "14,081,469 14,084,074" [General Fund FY 2020 FY 2021]

Strike: "125,796 125,785" [State Special Fund FY 2020 FY 2021]
Insert: "126,528 126,517" [State Special Fund FY 2020 FY 2021]

Strike: "383,953 383,919" [Proprietary FY 2020 FY 2021]
Insert: "386,187 386,153" [Proprietary FY 2020 FY 2021]

3. Page A-3, line 32: .
Strike: "8,344,948 8,343,862" [General Fund FY 2020 FY 2021]
Insert: "8,514,813 8,513,727" [General Fund FY 2020 FY 2021]

Strike: "210,591 210,641" [State Special Fund FY 2020 FY 2021]

Insert: "214,889 214,939" [State Special Fund FY 2020 FY 2021]

Strike: "41,017 41,027" [Proprietary FY 2020 FY 2021]
Insert: "41,854 41,864" [Proprietary FY 2020 FY 2021]

4. Page A-3, line 34: .
Strike: "10,553,627 10,542,067" [General Fund FY 2020 FY 2021]
Insert: "10,633,277 10,621,717" [General Fund FY 2020 FY 2021]

Strike: "629,393 629,375" [State Special Fund FY 2020 FY 2021]
Insert: "634,240 634,222" [State Special Fund FY 2020 FY 2021]

Strike: "272,067 271,904" [Federal Special Fund FY 2020 FY 2021]
Insert: "275,070 274,907" [Federal Special Fund FY 2020 FY 2021]

5. Page A-4, line 8: .
Strike: "414,421 414,914" [General Fund FY 20 FY 21]
Insert: "436,111 436,604" [General Fund FY 20 FY 21]

6. Page A-4, line 20: .
Strike: "2,270,737 2,270,709" [State Special Fund FY 20 FY 21]
Insert: "2,371,885 2,371,857" [State Special Fund FY 20 FY 21]

7. Page A-5, line 15: .
Strike: "2,148,716 2,156,715" [State Special Fund FY 20 FY 21]
Insert: "2,298,716 2,306,715" [State Special Fund FY 20 FY 21]

8. Page A-6: Department of Labor and Industry.
Strike: line 28 through line 29 in their entirety

9. Page A-7: Department of Labor and Industry.
Strike: line 3 in its entirety

10. Page A-7, line 10: Department of Military Affairs.
Strike: "1,111,065 1,110,886" [General Fund FY20 FY21]
Insert: "1,122,971 1,122,792" [General Fund FY20 FY21]
Strike: "3,332,731 3,332,198" [Federal Special Fund FY20 FY21]
Insert: "3,368,453 3,367,920" [Federal Special Fund FY20 FY21]

11. Page B-1, line 26 : .
Strike: "172,284,694 185,178,912" [General Fund FY20 FY21]
Insert: "172,071,588 184,735,578" [General Fund FY20 FY21]

12. Page B-1: .
Following: line 27

Insert: "a. Montana Health Information Exchange (Restricted)"
Insert: "200,000 400,000" [General Fund FY20 FY21]
Insert: "b. Physician Reimbursement"
Insert: "13,106 43,334" [General Fund FY20 FY21]
Renumber: subsequent subsections

13. Page B-1, line 29: Department of Public Health and Human Services.
Strike: "10,708,378 13,548,061" [State Special Fund FY20 FY21]
Insert: "10,427,378 12,467,061" [State Special Fund FY20 FY21]

14. Page B-2, line 2: Department of Public Health and Human Services.
Strike: "19,817,292 23,673,777 " [State Special Fund FY20 FY21]
Insert: "20,317,292 23,173,177" [State Special Fund FY20 FY21]

15. Page B-2: .
Following: line 31
Insert: "If a bill amending 53-6-125 to allow for a reduction of the physician reimbursement calculated pursuant to that section for the biennium beginning July 1, 2019, is not passed and approved, Montana Health Information Exchange is void and Physician Reimbursement is increased by 200,000 in FY 2020 and increased by 400,000 in FY 2021."

16. Page C-1: Department of Fish, Wildlife & Parks.
Following: line 36
Insert: "a. Public Access Land Act (Restricted/Biennial/OTO)"
Insert: "500,000 500,000" [State Special Fund FY20 FY21]

17. Page C-2: Department of Fish, Wildlife & Parks.
Following: line 4
Insert: "If SB 341 is not passed and approved, the state special revenue appropriation for Public Access Land Act is void."

18. Page C-2, line 11: Department of Environmental Quality.
Strike: "11,694,017 11,691,443" [State Special Fund FY20 FY21]
Insert: "12,194,017 12,191,443" [State Special Fund FY20 FY21]

19. Page C-3, line 2: Department of Transportation.
Strike: "129,656,275 129,815,352" [State Special Fund FY20 FY21]
Insert: "129,760,071 129,922,287" [State Special Fund FY20 FY21]
Strike: "8,151,731 8,151,748" [Federal Special Fund FY20 FY21]
Insert: "8,821,378 8,841,644" [Federal Special Fund FY20 FY21]

20. Page C-3, line 31: Department of Livestock.
Strike: "2,008,128 2,005,090" [State Special Fund FY20 FY21]
Insert: "2,045,628 2,042,590" [State Special Fund FY20 FY21]

21. Page C-4, line 35: Department of Natural Resources & Conservation.
Strike: "13,550,345 13,556,545" [General Fund FY20 FY21]
Insert: "13,617,856 13,625,482" [General Fund FY20 FY21]
Strike: "18,632,006 18,639,865" [State Special Fund FY20 FY21]
Insert: "18,654,509 18,662,844" [State Special Fund FY20 FY21]

22. Page C-5, line 30: Department of Agriculture.
Strike: "6,593,512 6,595,736" [State Special Fund FY20 FY21]
Insert: "6,626,162 6,646,386" [State Special Fund FY20 FY21]

23. Page D-1, line 14: Judicial Branch.
Strike: "30,578,711 30,576,234" [General Fund FY 20 FY 21]
Insert: "30,527,466 30,524,989" [General Fund FY 20 FY 21]

24. Page D-1, line 21: Judicial Branch.
Following: line 21
Insert: "If SB 26 is not passed and approved, Supreme Court Operations are increased by $51,245 in general fund in FY 2020 and $51,245 in general fund in FY 2021."

25. Page D-1, line 25: Department of Justice.
Following: line 25
Insert: "a. SB 26 Witness Expenses"
Insert: "51,245 51,245" [General Fund FY 20 FY 21]

26. Page D-2, line 2: Department of Justice.
Strike: "4,866,617 4,868,239" [General Fund FY 20 FY 21]
Insert: "4,991,617 4,993,239" [General Fund FY 20 FY 21]

27. Page D-2: Department of Justice.
Following: line 17
Insert: "SB 26 Witness Expenses is contingent on passage and approval of SB 26."

28. Page D-2: Department of Justice.
Following: line 17
Insert: "By June 30, 2019, the state treasurer shall transfer $250,000 from the account established in 30-14-143 to the general fund."

29. Page D-3, line 3: Office of State Public Defender.
Strike: "21,746,346 21,556,707" [General Fund FY 20 FY 21]
Insert: "22,162,804 21,973,862" [General Fund FY 20 FY 21]

30. Page D-3: .
Following: Line 5
Insert: "b. Death Penalty Cases (OTO) 234,170 231,378"[General Fund FY 20 FY 21]

31. Page D-3, line 7: Office of State Public Defender.
Strike: "2,148,937 2,169,789" [General Fund FY 20 FY 21]
Insert: "2,381,852 2,404,100" [General Fund FY 20 FY 21]

32. Page D-3, line 9: Office of State Public Defender.
Strike: "8,807,473 8,843,322" [General Fund FY 20 FY 21]
Insert: "8,923,930 8,960,478" [General Fund FY 20 FY 21]

33. Page D-3: Office of State Public Defender.
Following: line 15
Insert: "All appropriations for the Public Defender Division, Appellate Defender Division, Conflict Coordinator Division, and Central Services Division are biennial."

34. Page D-3, line 34: .
Strike: "77,278,112 77,750,302" [General Fund FY 20 FY 21]
Insert: "77,693,562 78,222,097" [General Fund FY 20 FY 21]

35. Page D-4: .
Following: line 33
Insert: "The indirect cost rate allocation is capped at 3% beginning July 1, 2019, for regional correctional facilities, which are both regional prisons in Dawson and Cascade Counties and the Missoula assessment and sanctions center. Capital costs for these regional correctional facilities are allocated to the per diem based on a use allowance for selected items of costs as follows: (1) the use allowance for buildings and improvements is limited to 2% of acquisition cost for a maximum of 40 years; and (2) the use allowance for equipment with an individual acquisition cost of $5,000 or more is limited to 6.67% of acquisition cost for 15 years. Effective July 1, 2019, a regional correctional facility shall consult with the department prior to any anticipated personal services increases or nonroutine purchases that exceed $5,000."

36. Page D-5, line 1: .
Following: "Dawson County correctional facility" on line 1
Strike: the remainder of line 1 through line 3
Insert: ", the Cascade County regional prison, and the Missoula assessment and sanction center be capped at the amounts of $86.23 for Dawson County correctional facility, $79.00 for Cascade County regional prison, and $91.88 for the Missoula assessment and sanction center in FY 2020 and $87.96 for Dawson County correctional facility, $80.58 for Cascade County regional prison, and $93.72 for the Missoula assessment and sanction center in FY 2021."

37. Page E-1, line 22: Office of Public Instruction.
Strike: "747,495,579" "768,804,316" [General Fund FY20 FY21]
Insert: "751,265,382" "771,187,564" [General Fund FY20 FY21]

38. Page E-1, line 31: Office of Public Instruction.

Strike: "k. School Facility Reimbursement (Restricted)"
Insert: "k. Debt Service Assistance (Restricted)"

39. Page E-1, line 32: Office of Public Instruction.
Strike: ""4,000,000" "6,500,000"" [State Special Fund FY20 FY21]
Insert: "0" "2,500,000" [State Special Fund FY20 FY21]

40. Page E-2, line 2: Office of Public Instruction.
Strike: "o. Major Maintenance Aid (Restricted /Biennial)"
Insert: "o. Major Maintenance Aid and Debt Service Assistance (Restricted)"

41. Page E-2: Office of Public Instruction.
Following: line 5
Insert: "q. Cultural Integrity Commitment Act -- HB 41"
Insert: "47,590" "48,470" [General Fund FY20 FY21]

42. Page E-2, line 12 through page 2, line 13: Office of Public Instruction.
Strike: line 12 through line 13
Insert: "All appropriations for federal special revenue programs in state level activities and in local education activities are biennial. All general fund appropriations in local education activities are biennial, except Major Maintenance Aid and Debt Service Assistance."
Following: line 13
Insert: "The Major Maintenance Aid and Debt Service Assistance restricted line item appropriation is restricted to the major maintenance aid program established in 20-9-525 unless funding requirements for the program are less than the available funds. Any remaining appropriation authority from the restricted appropriations may be used to augment the appropriations for debt service assistance established in 20-9-367."
Insert: "Cultural Integrity Commitment Act -- HB 41 is contingent on passage and approval of HB 41."
Insert: "If HB 695 is not passed and approved, K-12 BASE Aid is increased by $400,000 general fund in FY 2020 and $400,000 general fund in FY 2021."

43. Page E-2, line 33: Commissioner of Higher Education.
Strike: "13,355,580 13,448,125" [General Fund FY20 FY21]
Insert: "13,584,080 13,762,125" [General Fund FY20 FY21]

44. Page E-5, line 13: Montana State Library.
Strike: "1,780,403 1,797,312" [State Special Fund FY20 FY21]
Insert: "1,880,403 1,947,312" [State Special Fund FY20 FY21]

And, as amended, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 3/29/2019
SB 266, do pass.
SB 330, do pass.

SB 341, do pass.
HB 520, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 3/27/2019
SB 363, do pass.

TAXATION (Webb, Chair): 3/27/2019
SB 265, introduced bill, be amended as follows:

1. Title, page 1, line 5.
Following: "4%;"
Insert: "ELIMINATING THE REQUIREMENT THAT MEDICAL MARIJUANA PROVIDERS AND MARIJUANA-INFUSED PRODUCTS PROVIDERS BE NAMED BY A REGISTERED CARDHOLDER; "

2. Title, page 1, line 7.
Strike: ",CONTRACTED SERVICES,"
Following: "PREMISES;"
Insert: "PROVIDING FOR THE ADDITIONAL RELEASE OF INFORMATION;"

3. Title, page 1, line 8.
Following: "FEES;"
Insert: "ESTABLISHING A TEMPORARY MORATORIUM ON PROVIDER LICENSING; ESTABLISHING LIMITS ON CARDHOLDER PURCHASES; CLARIFYING THE PROHIBITION ON PHYSICIAN-PROVIDER AFFILIATIONS;"

4. Title, page 1, line 9.
Following: "AUTHORITY;"
Insert: "PROVIDING FOR THE TRANSFER OF FUNDS;"
Following: "15-64-102,"
Insert: "18-7-101,"

5. Title, page 1, line 10.
Following: "50-46-317,"
Insert: "50-46-319, 50-46-320,"
Following: "50-46-326,"
Insert: "50-46-327,"

6. Title, page 1, line 11.
Following: "DATES"
Insert: ","
Strike: "AND"

7. Title, page 1, line 12.
Following: "DATE"

Insert: ", AND A CONTINGENT TERMINATION DATE"

8. Page 3, line 3.
Insert: "Section 2. Section 18-7-101, MCA, is amended to read:

"18-7-101. Power to contract for printing -- ~~exception~~ exceptions. (1) Except as provided in 1-11-301 and 50-46-303, the department has exclusive power, subject to the approval of the governor, to contract for all printing for any purpose used by the state in any state office (elective or appointive), agency, or institution.

(2) The department shall supervise and attend to all public printing of the state as provided in this chapter and shall prevent duplication and unnecessary printing.

(3) Unless otherwise provided by law, the department, in letting contracts as provided in this chapter, for the printing, binding, and publishing of all laws, journals, and reports of the state agencies and institutions may determine the quantity, quality, style, and grade of all such printing, binding, and publishing.

(4) The provisions of this chapter do not apply to the state compensation insurance fund for purposes of external marketing or educational materials.""
Renumber: subsequent sections

9. Page 4, line 5.
Following: "indirectly"
Insert: "through a business, an investment, or a spouse, parent, or child relationship"

10. Page 6, line 21.
Insert: "Section 4. Section 50-46-302, MCA, is amended to read:

"50-46-302. Definitions. As used in this part, the following definitions apply:

(1) "Canopy" means the total amount of square footage dedicated to live plant production at a registered premises consisting of the area of the floor, platform, or means of support or suspension of the plant.

(2) "Chemical manufacturing" means the production of marijuana concentrate.

(3) "Correctional facility or program" means a facility or program that is described in 53-1-202 and to which an individual may be ordered by any court of competent jurisdiction.

(4) "Debilitating medical condition" means:

(a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status;

(b) cachexia or wasting syndrome;

(c) severe chronic pain that is persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician;

(d) intractable nausea or vomiting;

(e) epilepsy or an intractable seizure disorder;

(f) multiple sclerosis;

(g) Crohn's disease;

(h) painful peripheral neuropathy;

(i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;

(j) admittance into hospice care in accordance with rules adopted by the department; or

(k) posttraumatic stress disorder.

(5) "Department" means the department of public health and human services provided for in 2-15-2201.

(6) "Dispensary" means a registered premises from which a provider or marijuana-infused products provider is approved by the department to dispense marijuana or marijuana-infused products to a registered cardholder.

(7) (a) "Employee" means an individual employed to do something for the benefit of an employer ~~or a third person~~.

(b) The term includes a manager, agent, or director of a partnership, association, company, corporation, limited liability company, or organization.

(c) The term does not include a third party with whom a licensee has a contractual relationship.

(8) "Financial interest" means a legal or beneficial interest that entitles the holder, directly or indirectly through a business, an investment, or a spouse, parent, or child relationship, to 1% or more of the net profits or net worth of the entity in which the interest is held.

~~(8)~~(9) "Local government" means a county, a consolidated government, or an incorporated city or town.

~~(9)~~(10) "Marijuana" has the meaning provided in 50-32-101.

~~(10)~~(11) "Marijuana concentrate" means any type of marijuana product consisting wholly or in part of the resin extracted from any part of the marijuana plant.

~~(11)~~(12) "Marijuana derivative" means any mixture or preparation of the dried leaves, flowers, resin, and byproducts of the marijuana plant, including but not limited to marijuana concentrates and marijuana-infused products.

~~(12)~~(13) (a) "Marijuana-infused product" means a product that contains marijuana and is intended for use by a registered cardholder by a means other than smoking.

(b) The term includes but is not limited to edible products, ointments, and tinctures.

~~(13)~~(14) (a) "Marijuana-infused products provider" means a person licensed by the department to manufacture and provide marijuana-infused products for a registered cardholder.

(b) The term does not include the cardholder's treating or referral physician.

~~(14)~~(15) "Mature marijuana plant" means a harvestable female marijuana plant that is flowering.

~~(15)~~(16) "Paraphernalia" has the meaning provided in 45-10-101.

~~(16)~~(17) "Person" means an individual, partnership, association, company, corporation, limited liability company, or organization.

~~(17)~~(18) (a) "Provider" means a person licensed by the department to assist a registered cardholder as allowed under this part.

(b) The term does not include a cardholder's treating physician or referral physician.

~~(18)~~(19) "Referral physician" means an individual who:

(a) is licensed under Title 37, chapter 3;

(b) has an established office in Montana; and

(c) is the physician to whom a patient's treating physician has referred the patient for physical examination and medical assessment.

~~(19)~~(20) "Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical condition who has received and maintains a valid registry identification card.

~~(20)~~(21) "Registered premises" means the location at which a provider or marijuana-infused

products provider:

(a) has indicated that marijuana will be cultivated, chemical manufacturing will occur, or marijuana-infused products will be manufactured for ~~a~~ registered ~~cardholder~~ cardholders; or

(b) has established a dispensary for sale of marijuana or marijuana-infused products to ~~a~~ registered ~~cardholder~~ cardholders.

~~(21)~~(22) "Registry identification card" means a document issued by the department pursuant to 50-46-303 that identifies an individual as a registered cardholder.

~~(22)~~(23) (a) "Resident" means an individual who meets the requirements of 1-1-215.

(b) An individual is not considered a resident for the purposes of this part if the individual:

(i) claims residence in another state or country for any purpose; or

(ii) is an absentee property owner paying property tax on property in Montana.

~~(23)~~(24) "Second degree of kinship by blood or marriage" means a mother, father, brother, sister, son, daughter, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, grandchild-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, stepdaughter, stepgrandparent, or stepgrandchild.

~~(24)~~(25) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

~~(25)~~(26) "Standard of care" means, at a minimum, the following activities when undertaken by a patient's treating physician or referral physician if the treating physician or referral physician is providing written certification for a patient with a debilitating medical condition:

(a) obtaining the patient's medical history;

(b) performing a relevant and necessary physical examination;

(c) reviewing prior treatment and treatment response for the debilitating medical condition;

(d) obtaining and reviewing any relevant and necessary diagnostic test results related to the debilitating medical condition;

(e) discussing with the patient and ensuring that the patient understands the advantages, disadvantages, alternatives, potential adverse effects, and expected response to the recommended treatment;

(f) monitoring the response to treatment and possible adverse effects; and

(g) creating and maintaining patient records that remain with the physician.

(27) "State laboratory" means the laboratory operated by the department of public health and human services to conduct environmental analyses.

~~(26)~~(28) "Testing laboratory" means a qualified person, licensed by the department, who meets the requirements of 50-46-311 and:

(a) provides testing of ~~small~~ representative samples of marijuana and marijuana-infused products; and

(b) provides information regarding the chemical composition, the potency of a sample, and the presence of molds, ~~or~~ pesticides, or other contaminants in a sample.

~~(27)~~(29) "Treating physician" means an individual who:

(a) is licensed under Title 37, chapter 3;

(b) has an established office in Montana; and

(c) has a bona fide professional relationship with the individual applying to be a registered cardholder.

~~(28)~~(30) (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant and any marijuana derivatives that are appropriate for the use of marijuana by an individual with a debilitating medical condition.

(b) The term does not include the seeds, stalks, and roots of the plant.

~~(29)~~(31) "Written certification" means a statement signed by a treating physician or referral physician that meets the requirements of 50-46-310 and is provided in a manner that meets the standard of care.""

Renumber: subsequent sections

11. Page 8, line 10.
Following: "(c)"
Insert: "(i)"
Strike: "may"
Insert: "shall"
Following: "temporary"
Insert: "registry"
Following: "cards" on line 10
Insert: "upon receipt of an application. The cards are"
Strike: "that do not meet"
Insert: "and are exempt from"

12. Page 8, line 11.
Following: "(4)(b)."
Insert: "Printing of the temporary identification cards is exempt from the provisions of Title 18, chapter 7."

13. Page 8.
Following: line 11
Insert: "(ii) The cards may be issued before an applicant's payment of the fee has cleared. The department shall cancel the temporary card after 60 days and may not issue a permanent card until the fee is paid."

14. Page 8.
Following: line 24
Insert: "(d) An application for a license or renewal of a license is not considered complete until the department has completed a satisfactory inspection as required by this part and related administrative rules."
Renumber: subsequent subsections

15. Page 8, line 27 through line 28.
Strike: "Rejection"
Insert: "Review of a rejection"
Strike: "is considered" on line 27 through "review" on line 28
Insert: "may be conducted as a contested case hearing pursuant to the provisions of the Montana Administrative Procedure Act"

16. Page 9, line 18.
Strike: "and"

17. Page 9, line 20.
Following: "identification card"
Insert: ";

(c) a judge, magistrate, or other authorized judicial officer in response to an order requiring disclosure; and

(d) another person or entity when the information pertains to a cardholder who has given written consent to the release and has specified:

(i) the type of information to be released; and

(ii) the person or entity to whom it may be released"

18. Page 10, line 10.
Insert: "Section 6. Section 50-46-303, MCA, is amended to read:

"50-46-303. ~~Department~~ Medical marijuana registry -- department responsibilities -- issuance of cards and licenses -- confidentiality ~~-- inspections -- reports~~. (1) The department shall establish and maintain a ~~program for~~ registry of persons who receive registry identification cards or licenses under this part. The department shall issue:

(a) ~~the issuance of~~ registry identification cards to Montana residents who have debilitating medical conditions and who submit applications meeting the requirements of this part;

(b) ~~the issuance of~~ licenses:

(i) to persons who apply to operate as providers~~,~~ or marijuana-infused products providers~~, or testing laboratories~~ and who submit applications meeting the requirements of this part; ~~and~~

(ii) for dispensaries established by providers or marijuana-infused products providers; and

(iii) through the state laboratory, to testing laboratories that submit applications meeting the requirements of this part; and

(c) ~~the issuance of~~ endorsements for chemical manufacturing to a provider or a marijuana-infused products provider who applies for a chemical manufacturing endorsement and meets requirements established by the department by rule~~; and~~

~~(d) the tracking of marijuana and marijuana-infused products from either the seed or the immature plant stage until the marijuana or marijuana-infused product is sold to a registered cardholder to ensure that the marijuana or marijuana-infused product cultivated, manufactured, possessed, and sold under this part is not sold or otherwise provided to an individual who is not authorized under this part to possess the item. The tracking system must be provided to providers, marijuana-infused products providers, dispensaries, and testing laboratories at no additional cost~~.

(2) (a) An individual who obtains a registry identification card and ~~does not name a provider or marijuana-infused products provider~~ indicates the individual will not use the system of licensed providers and marijuana-infused products providers to obtain marijuana or marijuana-infused products is authorized to cultivate, manufacture, possess, and transport marijuana as allowed by this part.

(b) An individual who obtains a registry identification card and ~~names a provider or marijuana-infused products provider~~ indicates the individual will use the system of licensed providers and marijuana-infused products providers to obtain marijuana or marijuana-infused products is authorized to possess marijuana as allowed by this part.

(c) A person who obtains a provider, marijuana-infused products provider, or dispensary license or an employee of a ~~licensee~~ licensed provider or marijuana-infused products provider is authorized to cultivate, manufacture, possess, sell, and transport marijuana as allowed by this part.

(d) A person who obtains a testing laboratory license or an employee of a ~~licensee~~ licensed testing laboratory is authorized to possess, test, and transport marijuana as allowed by this part.

(3) The department shall conduct criminal history background checks as required by 50-46-307 and 50-46-308 before issuing a license to ~~a person named as~~ a provider or marijuana-infused products provider.

(4) (a) Registry identification cards and licenses issued pursuant to this part must:

(i) be laminated and produced on a material capable of lasting for the duration of the time period for which the card or license is valid;

(ii) state the name, address, and date of birth of the registered cardholder ~~and of the cardholder's provider or marijuana-infused products provider, if any~~;

(iii) indicate whether the cardholder is obtaining marijuana and marijuana-infused products through the system of licensed providers and marijuana-infused products providers;

~~(iii)~~(iv) indicate whether a provider or marijuana-infused products provider has an endorsement for chemical manufacturing;

~~(iv)~~(v) state the date of issuance and the expiration date of the registry identification card or license;

~~(v)~~(vi) contain a unique identification number; and

~~(vi)~~(vii) contain other information that the department may specify by rule.

(b) Except as provided in subsection (4)(c), in addition to complying with subsection (4)(a), registry identification cards issued pursuant to this part must:

(i) include a picture of the registered cardholder; and

(ii) be capable of being used to track registered cardholder purchases.

(c) (i) The department ~~may~~ shall issue temporary registry identification cards upon receipt of an application. The cards are valid for 60 days ~~that do not meet~~ and are exempt from the requirements of subsection (4)(b). Printing of the temporary identification cards is exempt from the provisions of Title 18, chapter 7.

(ii) The cards may be issued before an applicant's payment of the fee has cleared. The department shall cancel the temporary card after 60 days and may not issue a permanent card until the fee is paid.

(5) (a) The department shall review the information contained in an application or renewal submitted pursuant to this part and shall approve or deny an application or renewal within 30 days of receiving the application or renewal and all related application materials.

(b) If the department fails to act on a completed application within 30 days of receipt, the department shall:

(i) refund the fee paid by an applicant for a registry identification card;

(ii) reduce the cost of the licensing fee for a new applicant for licensure or for a licensee seeking renewal of a license by 5% each week that the application is pending; and

(iii) if a licensee is unable to operate because a license renewal application has not been acted on, reimburse the licensee 50% of the gross sales the licensee reported in the most recent quarter for the purpose of the tax provided for in 15-64-102.

(c) Applications that are not processed within 30 days of receipt remain active until the department takes final action.

(d) An application for a license or renewal of a license is not considered complete until the department has completed a satisfactory inspection as required by this part and related administrative rules.

~~(b)~~(e) The department shall issue a registry identification card, license, or endorsement

within 5 days of approving an application or renewal.

(6) ~~Rejection~~ Review of a rejection of an application or renewal ~~is considered a final department action, subject to judicial review~~ may be conducted as a contested case hearing pursuant to the provisions of the Montana Administrative Procedure Act.

(7) (a) Registry identification cards expire 1 year after the date of issuance unless~~:~~

~~(i)~~ a physician has provided a written certification stating that a card is valid for a shorter period of time~~; or~~

~~(ii) a registered cardholder changes providers or marijuana-infused products providers~~.

(b) Licenses and endorsements issued to providers, marijuana-infused products providers, and testing laboratories must be renewed annually.

(8) (a) A registered cardholder shall notify the department of any change in the cardholder's name, address, or physician~~, provider, or marijuana-infused products provider~~ or change in the status of the cardholder's debilitating medical condition within 10 days of the change.

(b) A registered cardholder who possesses mature plants or seedlings under 50-46-319(1) shall notify the department of the location of the plants and seedlings or any change of location of plants or seedlings. The department shall provide the names and locations of cardholders who possess mature plants or seedlings to the local law enforcement agency having jurisdiction in the area in which the plants or seedlings are located. The law enforcement agency and its employees are subject to the confidentiality requirements of 50-46-332.

(c) If a change occurs and is not reported to the department, the registry identification card is void.

(9) The department shall maintain a confidential list of individuals to whom the department has issued registry identification cards. Except as provided in subsections (8)(b) and (10), individual names and other identifying information on the list must be confidential and are not subject to disclosure, except to:

(a) authorized employees of the department as necessary to perform the official duties of the department; ~~and~~

(b) authorized employees of state or local government agencies, including law enforcement agencies, only as necessary to verify that an individual is a lawful possessor of a registry identification card;

(c) a judge, magistrate, or other authorized judicial officer in response to an order requiring disclosure; and

(d) another person or entity when the information pertains to a cardholder who has given written consent to the release and has specified:

(i) the type of information to be released; and

(ii) the person or entity to whom it may be released.

(10) The department shall provide the names and phone numbers of providers and marijuana-infused products providers and the city, town, or county where registered premises and testing laboratories are located to the public on the department's website. The department may not disclose the physical location or address of a provider, marijuana-infused products provider, dispensary, or testing laboratory.

(11) The department may share only information about providers, marijuana-infused products providers, dispensaries, and testing laboratories with the department of revenue for the purpose of investigation and prevention of noncompliance with tax laws, including but not limited to evasion, fraud, and abuse. The department of revenue and its employees are subject to the confidentiality requirements of 15-64-111(1).

~~(12) The department shall report biannually to the legislature the number of applications for registry identification cards, the number of registered cardholders approved, the nature of the debilitating medical conditions of the cardholders, the number of providers and marijuana-infused products providers licensed, the number of endorsements approved for chemical manufacturing, the number of testing laboratories licensed, the number of dispensaries licensed, the number of registry identification cards and licenses revoked, the number of physicians providing written certification for registered cardholders, and the number of written certifications each physician has provided. The report may not provide any identifying information of cardholders, physicians, providers, marijuana-infused products providers, dispensaries, or testing laboratories.~~

~~(13) The board of medical examiners shall report annually to the legislature on the number and types of complaints the board has received involving physician practices in providing written certification for the use of marijuana, pursuant to 37-3-203.~~""

Renumber: subsequent sections

19. Page 10, line 12.
Following: "**production**"
Insert: "**,**"
Strike: "**and**"
Following: "**testing**"
Insert: "**, and sales**"

20. Page 10, line 18.
Following: "the item;"
Strike: "and"
Insert: "(b) be capable of notifying providers and marijuana-infused products providers, before a sale is made, of the amount of usable marijuana a registered cardholder may purchase before reaching the maximum amount of usable marijuana allowed under this part; and"
Renumber: subsequent subsection

21. Page 11, line 4.
Strike: "9"
Insert: "15"

22. Page 12, line 19.
Strike: ", date of birth,"

23. Page 13, line 29.
Strike: "landlord"
Insert: "property owner"

24. Page 14, line 4.
Insert: "Section 9. Section 50-46-307, MCA, is amended to read:

"50-46-307. Individuals with debilitating medical conditions -- requirements -- minors -- limitations. (1) Except as provided in subsections (2) through ~~(4)~~ (5), the department shall issue a registry identification card to an individual with a debilitating medical condition who submits the

following, in accordance with department rules:

(a) an application on a form prescribed by the department;

(b) an application fee or a renewal fee;

(c) the individual's name, street address, and date of birth;

(d) proof of Montana residency;

(e) a statement that the individual will be cultivating marijuana and manufacturing marijuana-infused products for the individual's use or will be obtaining marijuana ~~from a provider or a marijuana-infused products provider~~ or marijuana-infused products through the system of licensed providers and marijuana-infused products providers;

(f) a statement, on a form prescribed by the department, that the individual will not divert to any other individual the marijuana or marijuana-infused products that the individual cultivates, manufactures, or obtains for the individual's debilitating medical condition;

(g) the name of the individual's treating physician or referral physician and the street address and telephone number of the physician's office;

(h) the street address where the individual is cultivating marijuana or manufacturing marijuana-infused products if the individual is cultivating marijuana or manufacturing marijuana-infused products for the individual's own use; and

~~(i) the name, date of birth, and street address of the person the individual has selected as a provider or marijuana-infused products provider, if any; and~~

~~(j)~~(i) the written certification and accompanying statements from the individual's treating physician or referral physician as required pursuant to 50-46-310.

(2) The department shall issue a registry identification card to a minor if the materials required under subsection (1) are submitted and the minor's custodial parent or legal guardian with responsibility for health care decisions:

(a) provides proof of legal guardianship and responsibility for health care decisions if the individual is submitting an application as the minor's legal guardian with responsibility for health care decisions; and

(b) signs and submits a written statement that:

(i) the minor's treating physician or referral physician has explained to the minor and to the minor's custodial parent or legal guardian with responsibility for health care decisions the potential risks and benefits of the use of marijuana; ~~and~~

(ii) indicates whether the parent or legal guardian will be obtaining marijuana or marijuana-infused products for the minor through the system of licensed providers and marijuana-infused products providers; and

~~(ii)~~(iii) the minor's custodial parent or legal guardian with responsibility for health care decisions:

(A) consents to the use of marijuana by the minor;

(B) agrees to control the acquisition of marijuana and the dosage and frequency of the use of marijuana by the minor;

(C) agrees that the minor will use only marijuana-infused products and will not smoke marijuana;

(c) if the parent or guardian will be serving as the minor's provider, ~~submits fingerprints to facilitate a fingerprint and background check by the department of justice and federal bureau of investigation~~ undergoes background checks in accordance with subsection (3). The parent or legal guardian shall pay the costs of the background check and may not obtain a license as a marijuana-infused products provider if the parent or legal guardian does not meet the requirements

of 50-46-308.

(d) pledges, on a form prescribed by the department, not to divert to any individual any marijuana cultivated or obtained for the minor's use in a marijuana-infused product.

(3) A parent serving as a minor's provider shall submit fingerprints to facilitate a fingerprint and background check by the department of justice and federal bureau of investigation upon the minor's initial application for a registry identification card and every 3 years after that. The department shall conduct a name-based background check in years when a fingerprint background check is not required.

~~(3)~~(4) An application for a registry identification card for a minor must be accompanied by the written certification and accompanying statements required pursuant to 50-46-310 from a second physician in addition to the minor's treating physician or referral physician.

~~(4)~~(5) An individual may not be a registered cardholder if the individual is in the custody of or under the supervision of the department of corrections or a youth court.

~~(5)~~(6) A registered cardholder who elects to obtain marijuana ~~from a provider~~ or marijuana-infused products ~~provider~~ through the system of licensed providers and marijuana-infused products providers may not cultivate marijuana or manufacture marijuana-infused products for the cardholder's use unless the registered cardholder is ~~the~~ a licensed provider or marijuana-infused products provider.

~~(6)~~(7) A registered cardholder may cultivate marijuana and manufacture marijuana-infused products as allowed under 50-46-319 only:

(a) at a property that is owned by the cardholder; or

(b) with written permission of the ~~landlord~~ property owner, at a property that is rented or leased by the cardholder.

~~(7)~~(8) No portion of the property used for cultivation of marijuana and manufacture of marijuana-infused products for use by the registered cardholder may be shared with or rented or leased to a provider, a marijuana-infused products provider, or a registered cardholder unless the property is owned, rented, or leased by cardholders who are related to each other by the second degree of kinship by blood or marriage.""

Renumber: subsequent sections

25. Page 14, line 21.
Strike: "any"
Insert: "the"

26. Page 15, line 25.
Strike: "4"
Insert: "7"

27. Page 15, line 27.
Strike: "to another provider or"

28. Page 16, line 1.
Strike: "Except" through "[section 10], a"
Insert: "A"

29. Page 16, line 5.
Strike: "landlord"
Insert: "property owner"

30. Page 16, line 10.
Following: "~~products~~"
Insert: "or manufacture of marijuana-infused products or marijuana concentrate"

31. Page 16, line 12.
Strike: "Except" through "[section 10], no"
Insert: "No"

32. Page 16, line 26.
Strike: "and"

33. Page 16, line 28.
Following: "cardholder"
Insert: ";

(c) may not contract or otherwise arrange for another party to process the provider's or marijuana-infused products provider's marijuana into marijuana-infused products or marijuana concentrates; and

(d) may not open a dispensary before obtaining the required license or before the department has completed the inspection required under this part"

34. Page 16, line 29.
Insert: "Section 11. Section 50-46-308, MCA, is amended to read:

"50-46-308. Provider types -- requirements -- limitations -- activities. (1) (a) Subject to subsections (1)(b) and ~~(2)~~ (3), the department shall issue a license to or renew a license for ~~the~~ a person who is ~~named as~~ applying to be a provider or marijuana-infused products provider ~~in a registered cardholder's approved application~~ if the person submits to the department:

(i) the person's name, date of birth, and street address on a form prescribed by the department;

(ii) proof that the person is a Montana resident;

(iii) fingerprints to facilitate a fingerprint and background check by the department of justice and the federal bureau of investigation upon initial licensure and every 3 years after that;

~~(iv) a written agreement signed by the registered cardholder that indicates whether the person will act as the cardholder's provider or marijuana-infused products provider;~~

~~(v)~~(iv) a statement, on a form prescribed by the department, that the person will not divert to any other person the marijuana that the person cultivates or the marijuana-infused products that the person manufactures for ~~a~~ registered ~~cardholder~~ cardholders;

~~(vi)~~(v) ~~a statement acknowledging that the person will cultivate marijuana and manufacture marijuana-infused products for the registered cardholder at only one location as provided in subsection (6). The location must be identified by~~ the street address of the location at which marijuana, marijuana concentrates, or marijuana-infused products will be cultivated or manufactured~~.~~; and

~~(vii)~~(vi) a fee as determined by the department to cover the costs of ~~the fingerprint and background check~~ required background checks and associated administrative costs of processing the license.

(b) If the person to be licensed consists of more than one individual, the names of all individuals must be submitted along with the fingerprints and date of birth of each.

(2) The department shall conduct a name-based background check for license renewal in the years that an applicant is not required to submit fingerprints for a fingerprint and background check.

~~(2)~~(3) The department may not license a person under this section if the person or an individual with a financial interest in the person:

(a) has a felony conviction or a conviction for a drug offense;

(b) is in the custody of or under the supervision of the department of corrections or a youth court;

(c) has been convicted of a violation under 50-46-331;

(d) has failed to:

(i) pay any taxes, interest, penalties, or judgments due to a government agency;

(ii) stay out of default on a government-issued student loan;

(iii) pay child support; or

(iv) remedy an outstanding delinquency for child support or for taxes or judgments owed to a government agency;

~~(e) is a registered cardholder who has designated a provider or marijuana-infused products provider in the individual's application for a card issued under 50-46-307;~~

~~(f)~~(e) (i) before July 1, ~~2020~~ 2021, has resided in Montana for fewer than 3 years except if the provider or marijuana-infused products provider was named by a registered cardholder by June 30, 2017; and

(ii) on or after July 1, ~~2020~~ 2021, has resided in Montana for less than 1 year; or

~~(g)~~(f) is under 18 years of age.

~~(3)~~(4) Marijuana for use pursuant to this part must be cultivated and manufactured in Montana.

~~(4)~~(5) A provider or marijuana-infused products provider may not use marijuana unless the person is also a registered cardholder.

~~(5)~~(6) Except as provided in 50-46-326 (1)(b), a provider or marijuana-infused products provider shall:

(a) prior to selling marijuana or marijuana-infused products, submit samples to testing laboratories pursuant to 50-46-311, 50-46-326, and related administrative rules;

(b) allow the department to collect samples of marijuana or marijuana-infused products during inspections of registered premises for testing as provided by the department by rule;

(c) participate as required by the department by rule in a seed-to-sale tracking system established by the department pursuant to ~~50-46-303~~ [section 7]; and

(d) obtain the license provided for in 80-7-106 from the department of agriculture if the provider or marijuana-infused products provider sells live plants as part of a sale of the provider's business. A provider or marijuana-infused products provider required to obtain a nursery license is subject to the inspection requirements of 80-7-108. The department of agriculture and its employees are subject to the confidentiality requirements of 50-46-332.

~~(6)~~(7) (a) A person licensed under this section may cultivate marijuana and manufacture marijuana-infused products for use by ~~a~~ registered ~~cardholder~~ cardholders only at one of the

following locations:

(i) a property that is owned by the provider or marijuana-infused products provider; or

(ii) with written permission of the ~~landlord~~ property owner, a property that is rented or leased by the provider or marijuana-infused products provider~~; or~~

~~(iii) a property owned, leased, or rented by the registered cardholder pursuant to the provisions of 50-46-307~~.

(b) (i) No portion of the property used for cultivation of marijuana ~~and manufacture of marijuana-infused products~~ or manufacture of marijuana-infused products or marijuana concentrate may be shared with or rented or leased to another provider, or marijuana-infused products provider, testing laboratory, or a registered cardholder.

(ii) No portion of a registered premises used to manufacture a marijuana-infused product or marijuana concentrate may be shared with, rented, or leased to another provider, marijuana-infused products provider, testing laboratory, or registered cardholder.

~~(7)~~(8) A licensed provider or marijuana-infused products provider may:

(a) in accordance with rules adopted by the department:

(i) operate dispensaries; and

(ii) engage in chemical manufacturing;

(b) employ employees to cultivate marijuana, manufacture marijuana concentrates and marijuana-infused products, and dispense and transport marijuana and marijuana-infused products; ~~and~~

(c) provide a small amount of marijuana, marijuana concentrate, or marijuana-infused products cultivated or manufactured on the registered premises to a licensed testing laboratory or the department of agriculture; and

(d) sell the provider's business, including live plants.

(9) A provider or marijuana-infused products provider:

(a) may sell only marijuana the provider has cultivated or marijuana products derived from marijuana the provider has cultivated;

(b) may not sell marijuana or marijuana-infused products to another provider for subsequent resale to another provider or cardholder;

(c) may not contract or otherwise arrange for another party to process the provider's or marijuana-infused products provider's marijuana into marijuana-infused products or marijuana concentrates; and

(d) may not open a dispensary before obtaining the required license or before the department has completed the inspection required under this part.""

Renumber: subsequent sections

35. Page 17, line 8.
Following: "may"
Insert: "not"
Following: "contract"
Strike: "as allowed under [section 10]"
Insert: "or other arrangement"

36. Page 17, line 17.
Insert: "Section 13. Section 50-46-309, MCA, is amended to read:

"50-46-309. Marijuana-infused products provider -- requirements -- allowable activities. (1) A person licensed as a marijuana-infused products provider shall:

(a) prepare marijuana-infused products at a registered premises; and

(b) use equipment that is used exclusively for the manufacture and preparation of marijuana-infused products.

(2) A marijuana-infused products provider:

(a) may cultivate marijuana only for the purpose of making marijuana-infused products; ~~and~~

(b) may not enter into a contract or other arrangement to provide services through the provider's commercial kitchen or chemical extraction facilities to another marijuana-infused products provider; and

~~(b)~~(c) may not provide a cardholder with marijuana in a form that may be used for smoking unless the marijuana-infused products provider is also a licensed provider ~~and is providing the marijuana to a registered cardholder who has selected the person as the registered cardholder's licensed provider~~.

(3) All registered premises on which marijuana-infused products are manufactured must meet any applicable standards set by a local board of health for a retail food establishment as defined in 50-50-102.

(4) Marijuana-infused products may not be considered a food or drug for the purposes of Title 50, chapter 31.""

Renumber: subsequent sections

37. Page 20, line 1.
Following: "department"
Insert: ":
(a)"

38. Page 20, line 2.
Following: "time"
Insert: "; and
(b) shall conduct an inspection of the provider's or marijuana-infused products provider's registered premises and proposed premises before approving the application"

39. Page 20, line 16 through page 21, line 2.
Strike: section 10 in its entirety
Renumber: subsequent sections

40. Page 21, line 12.
Insert: "Section 17. Section 50-46-319, MCA, is amended to read:

"50-46-319. Legal protections -- allowable amounts. (1) (a) A registered cardholder who has named a provider may:

(i) possess up to 1 ounce of usable marijuana; and

(ii) purchase a maximum of 5 ounces of usable marijuana a month and no more than 1 ounce of usable marijuana a day.

(b) (i) A registered cardholder who has not named a provider may possess up to 4 mature plants, 4 seedlings, and the amount of usable marijuana allowed by the department by rule.

(ii) If two or more registered cardholders share a residence and have not named providers, the cardholders may have a maximum of 8 mature plants, 8 seedlings, and the amount of usable marijuana allowed by the department by rule. The limits in this subsection (1)(b)(ii) apply regardless of the location of the plants and seedlings.

(iii) A registered cardholder who possesses mature plants or seedlings shall notify the department of the location of the plants and seedlings pursuant to 50-46-303(8)(b).

(c) A provider or marijuana-infused products provider may have the canopy allowed by the department for the provider or marijuana-infused products provider. The canopy allotment is a cumulative total for all of the provider's or marijuana-infused products provider's registered premises and may not be interpreted as an allotment for each premises.

(d) (i) A registered cardholder may petition the department for an exception to the monthly limit on purchases. The request must be accompanied by a confirmation from the physician who signed the cardholder's written certification that the cardholder's debilitating medical condition warrants purchase of an amount exceeding the monthly limit.

(ii) If the department approves an exception to the cap, the approval must establish the monthly amount of usable marijuana that the cardholder may purchase and the limit must be entered into the seed-to-sale tracking system.

(2) Except as provided in 50-46-320 and subject to the provisions of subsection (7) of this section, an individual who possesses a registry identification card or license issued pursuant to this part may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a professional licensing board or the department of labor and industry, solely because:

(a) the person cultivates, manufactures, possesses, or transports marijuana in the amounts allowed under this section; or

(b) the registered cardholder acquires or uses marijuana.

(3) A physician may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by the board of medical examiners or the department of labor and industry, solely for providing written certification for a patient with a debilitating medical condition.

(4) Nothing in this section prevents the imposition of a civil penalty or a disciplinary action by a professional licensing board or the department of labor and industry if:

(a) a registered cardholder's use of marijuana impairs the cardholder's job-related performance; or

(b) a physician violates the standard of care or other requirements of this part.

(5) (a) An individual may not be arrested or prosecuted for constructive possession, conspiracy as provided in 45-4-102, or other provisions of law or any other offense solely for being in the presence or vicinity of the use of marijuana and marijuana-infused products as permitted under this part.

(b) This subsection (5) does not prevent the arrest or prosecution of an individual who is in the vicinity of a registered cardholder's use of marijuana if the individual is in possession of or is using marijuana and is not a registered cardholder.

(6) Except as provided in 50-46-329, possession of or application for a license or registry identification card does not alone constitute probable cause to search the person or individual or the property of the person or individual or otherwise subject the person or individual or property of the person or individual possessing or applying for the license or card to inspection by any governmental agency, including a law enforcement agency.

(7) The provisions of this section relating to protection from arrest or prosecution do not apply to an individual unless the individual has obtained a license or registry identification card prior to an arrest or the filing of a criminal charge. It is not a defense to a criminal charge that an individual obtains a license or registry identification card after an arrest or the filing of a criminal charge.

(8) (a) A registered cardholder, a provider, or a marijuana-infused products provider is presumed to be engaged in the use of marijuana as allowed by this part if the person:

(i) is in possession of a valid registry identification card or license; and

(ii) is in possession of an amount of marijuana that does not exceed the amount permitted under this part.

(b) The presumption may be rebutted by evidence that the possession of marijuana was not for the purpose of alleviating the symptoms or effects of a registered cardholder's debilitating medical condition.""

Insert: "Section 18. Section 50-46-319, MCA, is amended to read:

"50-46-319. Legal protections -- allowable amounts. (1) (a) A registered cardholder who has ~~named a provider~~ elected to obtain marijuana and marijuana-infused products through the system of licensed providers and marijuana-infused products providers may:

(i) possess up to 1 ounce of usable marijuana; and

(ii) purchase a maximum of 5 ounces of usable marijuana a month and no more than 1 ounce of usable marijuana a day.

(b) (i) A registered cardholder who has ~~not named a provider~~ elected not to use the system of licensed providers and marijuana-infused products providers may possess up to 4 mature plants, 4 seedlings, and the amount of usable marijuana allowed by the department by rule.

(ii) If two or more registered cardholders share a residence and have ~~not named~~ elected not to use the system of licensed providers and marijuana-infused products providers, the cardholders may have a maximum of 8 mature plants, 8 seedlings, and the amount of usable marijuana allowed by the department by rule. The limits in this subsection (1)(b)(ii) apply regardless of the location of the plants and seedlings.

(iii) A registered cardholder who possesses mature plants or seedlings shall notify the department of the location of the plants and seedlings pursuant to 50-46-303(8)(b).

(c) A provider or marijuana-infused products provider may have the canopy allowed by the department for the provider or marijuana-infused products provider. The canopy allotment is a cumulative total for all of the provider's or marijuana-infused products provider's registered premises and may not be interpreted as an allotment for each premises.

(d) (i) A registered cardholder may petition the department for an exception to the monthly limit on purchases. The request must be accompanied by a confirmation from the physician who signed the cardholder's written certification that the cardholder's debilitating medical condition warrants purchase of an amount exceeding the monthly limit.

(ii) If the department approves an exception to the cap, the approval must establish the monthly amount of usable marijuana that the cardholder may purchase and the limit must be entered into the seed-to-sale tracking system.

(2) Except as provided in 50-46-320 and subject to the provisions of subsection (7) of this section, an individual who possesses a registry identification card or license issued pursuant to this part may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a professional licensing

board or the department of labor and industry, solely because:

(a) the person cultivates, manufactures, possesses, or transports marijuana in the amounts allowed under this section; or

(b) the registered cardholder acquires or uses marijuana.

(3) A physician may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by the board of medical examiners or the department of labor and industry, solely for providing written certification for a patient with a debilitating medical condition.

(4) Nothing in this section prevents the imposition of a civil penalty or a disciplinary action by a professional licensing board or the department of labor and industry if:

(a) a registered cardholder's use of marijuana impairs the cardholder's job-related performance; or

(b) a physician violates the standard of care or other requirements of this part.

(5) (a) An individual may not be arrested or prosecuted for constructive possession, conspiracy as provided in 45-4-102, or other provisions of law or any other offense solely for being in the presence or vicinity of the use of marijuana and marijuana-infused products as permitted under this part.

(b) This subsection (5) does not prevent the arrest or prosecution of an individual who is in the vicinity of a registered cardholder's use of marijuana if the individual is in possession of or is using marijuana and is not a registered cardholder.

(6) Except as provided in 50-46-329, possession of or application for a license or registry identification card does not alone constitute probable cause to search the person or individual or the property of the person or individual or otherwise subject the person or individual or property of the person or individual possessing or applying for the license or card to inspection by any governmental agency, including a law enforcement agency.

(7) The provisions of this section relating to protection from arrest or prosecution do not apply to an individual unless the individual has obtained a license or registry identification card prior to an arrest or the filing of a criminal charge. It is not a defense to a criminal charge that an individual obtains a license or registry identification card after an arrest or the filing of a criminal charge.

(8) (a) A registered cardholder, a provider, or a marijuana-infused products provider is presumed to be engaged in the use of marijuana as allowed by this part if the person:

(i) is in possession of a valid registry identification card or license; and

(ii) is in possession of an amount of marijuana that does not exceed the amount permitted under this part.

(b) The presumption may be rebutted by evidence that the possession of marijuana was not for the purpose of alleviating the symptoms or effects of a registered cardholder's debilitating medical condition.""

Insert: "Section 19. Section 50-46-320, MCA, is amended to read:

"50-46-320. Limitations of act. (1) This part does not permit:

(a) any individual, including a registered cardholder, to operate, navigate, or be in actual physical control of a motor vehicle, aircraft, or motorboat while under the influence of marijuana; or

(b) except as provided in subsection (3), the use of marijuana by a registered cardholder:

(i) in a health care facility as defined in 50-5-101;

(ii) in a school or a postsecondary school as defined in 20-5-402;

(iii) on or in any property owned by a school district or a postsecondary school;

(iv) on or in any property leased by a school district or a postsecondary school when the property is being used for school-related purposes;

(v) in a school bus or other form of public transportation;

(vi) when ordered by any court of competent jurisdiction into a correctional facility or program;

(vii) if a court has imposed restrictions on the cardholder's use pursuant to 46-18-202;

(viii) at a public park, public beach, public recreation center, or youth center;

(ix) in or on the property of any church, synagogue, or other place of worship;

(x) in plain view of or in a place open to the general public; or

(xi) where exposure to the marijuana smoke significantly adversely affects the health, safety, or welfare of children.

(2) A registered cardholder, provider, or marijuana-infused products provider may not cultivate marijuana or manufacture marijuana concentrates or marijuana-infused products for use by a registered cardholder in a manner that is visible from the street or other public area.

(3) A hospice or residential care facility licensed under Title 50, chapter 5, may adopt a policy that allows use of marijuana by a registered cardholder.

(4) Nothing in this part may be construed to require:

(a) a government medical assistance program, a group benefit plan that is covered by the provisions of Title 2, chapter 18, an insurer covered by the provisions of Title 33, or an insurer as defined in 39-71-116 to reimburse an individual for costs associated with the use of marijuana by a registered cardholder;

(b) an employer to accommodate the use of marijuana by a registered cardholder;

(c) a school or postsecondary school to allow a registered cardholder to participate in extracurricular activities; or

(d) a ~~landlord~~ property owner to allow a tenant who is a registered cardholder, provider, marijuana-infused products provider, dispensary, or testing laboratory to cultivate, manufacture, dispense, sell, or test marijuana, marijuana concentrates, or marijuana-infused products or to allow a registered cardholder to use marijuana.

(5) Nothing in this part may be construed to:

(a) prohibit an employer from including in any contract a provision prohibiting the use of marijuana for a debilitating medical condition; or

(b) permit a cause of action against an employer for wrongful discharge pursuant to 39-2-904 or discrimination pursuant to 49-1-102.

(6) Nothing in this part may be construed to allow a provider, marijuana-infused products provider, or employee of a licensee to use marijuana or to prevent criminal prosecution of a provider, marijuana-infused products provider, or employee of a licensee who uses marijuana or paraphernalia for personal use.

(7) (a) A law enforcement officer who has reasonable cause to believe that an individual with a valid registry identification card is driving under the influence of marijuana may apply for a search warrant to require the individual to provide a sample of the individual's blood for testing pursuant to the provisions of 61-8-405. An individual with a delta-9-tetrahydrocannabinol level of 5 ng/ml may be charged with a violation of 61-8-401 or 61-8-411.

(b) A registered cardholder, provider, or marijuana-infused products provider who violates subsection (1)(a) is subject to revocation of the individual's registry identification card or license if

the individual is convicted of or pleads guilty to any offense related to driving under the influence of alcohol or drugs when the initial offense with which the individual was charged was a violation of 61-8-401, 61-8-406, 61-8-410, or 61-8-411. A revocation under this section must be for the period of suspension or revocation set forth:

(i) in 61-5-208 for a violation of 61-8-401, 61-8-406, or 61-8-411; or

(ii) in 61-8-410 for a violation of 61-8-410.

(c) If an individual's registry identification card or license is subject to renewal during the revocation period, the individual may not renew the card until the full revocation period has elapsed. The card or license may be renewed only if the individual submits all materials required for renewal.

(8) A provider or marijuana-infused products provider who violates 15-64-103 or 15-64-104 is subject to revocation of the person's license from the date of the violation until a period of up to 1 year after the department of revenue certifies compliance with 15-64-103 or 15-64-104.""

Renumber: subsequent sections

41. Page 22, line 9.
Strike: "4"
Insert: "7"

42. Page 22, line 15.
Insert: "(9) The testing standards adopted pursuant to this section may be developed by the state laboratory.

Insert: "Section 21. Section 50-46-327, MCA, is amended to read:

"50-46-327. Prohibitions on physician affiliation with providers and marijuana-infused products providers -- sanctions. (1) (a) A physician who provides written certifications may not:

(i) accept or solicit anything of value, including monetary remuneration, from a provider or marijuana-infused products provider;

(ii) offer a discount or any other thing of value to a patient who uses or agrees to use a particular provider or marijuana-infused products provider; or

(iii) examine a patient for the purposes of diagnosing a debilitating medical condition at a registered premises or a testing laboratory.

(b) Subsection (1)(a) does not prevent a physician from accepting a fee for providing medical care to a provider or marijuana-infused products provider if the physician charges the individual the same fee that the physician charges other patients for providing a similar level of medical care.

(2) A provider or marijuana-infused products provider may not:

(a) arrange for a physician to conduct a physical examination or review of medical records required under this part, either in the physician's office or at another location; or

(b) pay all or a portion of the costs for an individual to be seen by a physician for the purposes of obtaining a written certification.

~~(2)~~(3) If the department has cause to believe that a physician has violated this section, has violated a provision of rules adopted pursuant to this part, or has not met the standard of care required under this part, the department may refer the matter to the board of medical examiners provided for in 2-15-1731 for review pursuant to 37-1-308.

~~(3)~~(4) A violation of this section constitutes unprofessional conduct under 37-1-316. If the board of medical examiners finds that a physician has violated this section, the board shall restrict

the physician's authority to provide written certification for the use of marijuana. The board of medical examiners shall notify the department of the sanction.

~~(4)~~(5) If the board of medical examiners believes a physician's practices may harm the public health, safety, or welfare, the board may summarily restrict a physician's authority to provide written certification for the use of marijuana for a debilitating medical condition.

(6) (a) If the department has reason to believe a provider or marijuana-infused products provider has violated this section, the department shall refer the matter to the law enforcement entity and county attorney having jurisdiction where the provider or marijuana-infused products provider is doing business.

(b) If a provider or marijuana-infused products provider is found to have violated the provisions of this section, the department shall revoke the provider's or marijuana-infused products provider's license. A person whose license has been revoked for a violation of this section is prohibited from reapplying for licensure under this part.

(7) A law enforcement entity or county attorney who investigates a suspected violation of this section shall report the results of the investigation to the department.""

Renumber: subsequent sections

43. Page 22, line 23.
Strike: "4"
Insert: "7"

44. Page 23, line 24 through line 25.
Strike: subsection (8) in its entirety
Insert: "(8) In addition to any other penalties provided under this part, the department may revoke, suspend for up to 1 year, or refuse to renew a license or endorsement issued under this part if, upon inspection and subsequent notice to the licensee, the department finds that any of the following circumstances exist:

(a) a cause for which issuance of the license or endorsement could have been rejected had it been known to the department at the time of issuance;

(b) a violation of an administrative rule adopted to carry out the provisions of this part; or

(c) noncompliance with any provision of this part.

(9) The department may suspend or modify a license or endorsement without advance notice upon a finding that presents an immediate threat to the health, safety, or welfare of registered cardholders, employees of the licensee, or members of the public.

(10) Review of a department action imposing a suspension, revocation, or other modification under this part must be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act."

Renumber: subsequent subsections

45. Page 25.
Following: line 9
Insert: "(8) Review of a department action imposing a fine, suspension, or revocation under this section must be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act."

46. Page 25, line 10.

Insert: "Section 24. Section 50-46-330, MCA, is amended to read:

"50-46-330. Unlawful conduct by cardholders or licensees -- penalties. (1) The department shall revoke and may not reissue the registry identification card, license, or endorsement of an individual who:

(a) is convicted of a drug offense;

(b) allows another individual to be in possession of the individual's:

(i) registry identification card or license; or

(ii) mature marijuana plants, seedlings, usable marijuana, or marijuana-infused products; or

(c) fails to cooperate with the department concerning an investigation or inspection if the individual is registered or licensed and cultivating marijuana, engaging in chemical manufacturing, or manufacturing marijuana-infused products.

(2) In addition to any other penalty provided by law, the department shall revoke a license issued under this part if the licensee:

(a) purchases marijuana from an unauthorized source in violation of this part;

(b) sells marijuana, marijuana concentrate, or marijuana-infused products to anyone other than a registered cardholder;

(c) operates a carbon dioxide or hydrocarbon extraction system without obtaining a chemical manufacturing endorsement; or

(d) transports marijuana or marijuana-infused products outside of Montana.

(3) A testing laboratory that fails to meet the ISO certification requirement established by the department by rule is subject to:

(a) a fine of $500 a week for the first 4 weeks that the laboratory fails to meet the requirement; and

(b) a fine of $1,000 a week for each subsequent week the laboratory fails to meet the requirement.

(4) A licensee who violates the advertising restrictions imposed under 50-46-341 is subject to:

(a) a written warning for the first violation;

(b) a 5-day license suspension or a $500 fine for a second violation;

(c) a 5-day license suspension or a $1,000 fine for a third violation;

(d) a 30-day license suspension or a $2,500 fine for a fourth violation; and

(e) a license revocation for a fifth violation.

(5) Except for the license revocations required under this section, a licensee shall choose whether to pay a fine or be subject to a license suspension when a penalty is imposed under this section.

(6) A licensee whose license is revoked may not reapply for licensure for 3 years from the date of the revocation.

~~(2)~~(7) ~~A~~ If no other penalty is specified under this part, a registered cardholder, provider, or marijuana-infused products provider who violates this part is punishable by a fine not to exceed $500 or by imprisonment in a county jail for a term not to exceed 6 months, or both, unless otherwise provided in this part or unless the violation would constitute a violation of Title 45. An offense constituting a violation of Title 45 must be charged and prosecuted pursuant to the provisions of Title 45.

(8) Review of a department action imposing a fine, suspension, or revocation under this section must be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act.""
Renumber: subsequent sections

47. Page 25, line 30.
Strike: "4"
Insert: "7"

48. Page 27.
Following: line 13
Insert: "(f) notice and contested case hearing procedures for fines or license and endorsement revocations, suspensions, or modifications;"
Renumber: subsequent subsections

49. Page 27, line 18.
Strike: "4"
Insert: "7"

50. Page 27, line 23.
Strike: "4(7)"
Insert: "7(7)"

51. Page 27, line 26.
Strike: "9"
Insert: "15"

52. Page 27, line 28.
Strike: "chapter"
Insert: "part"
Strike: "19"
Insert: "31"

53. Page 28, line 22.
Insert: "Section 28. Section 50-46-344, MCA, is amended to read:

"50-46-344. Rulemaking authority -- fees. (1) The department ~~shall~~ may adopt rules ~~necessary for the implementation and administration of this part. The rules must include but are not limited~~ only as authorized in this section to specify:

(a) the manner in which the department will consider applications for licenses and endorsements and applications for registry identification cards for individuals with debilitating medical conditions and renewal of licenses, endorsements, and registry identification cards;

(b) the acceptable forms of proof of Montana residency;

(c) the procedures for obtaining fingerprints for the fingerprint and background check required under 50-46-307 and 50-46-308;

(d) the security and operating requirements for dispensaries;

(e) the security and operating requirements for chemical manufacturing, including but not limited to requirements for:

(i) safety equipment;

(ii) extraction methods, including solvent-based and solvent-free extraction; and

(iii) postprocessing procedures;

(f) notice and contested case hearing procedures for fines or license and endorsement revocations, suspensions, or modifications;

~~(f)~~(g) the amount of usable marijuana that a registered cardholder who has ~~not named a provider or marijuana-infused products provider~~ elected not to use the system of licensed providers and marijuana-infused products providers may possess;

~~(g) the canopy for which a provider or marijuana-infused products provider is licensed;~~

(h) implementation of a system to allow the tracking of marijuana and marijuana-infused products as required by ~~50-46-303~~ [section 7];

(i) requirements and standards for the testing and retesting of marijuana and marijuana-infused products, including testing of samples collected during the department's inspections of registered premises; ~~and~~

~~(j) other rules necessary to implement the purposes of this part~~

(j) the amount of variance allowable in the results of raw testing data that would warrant a departmental investigation of inconsistent results as provided in [section 7(7)];

(k) the activities that constitute advertising in violation of 50-46-341; and

(l) the fees for dispensaries, endorsements for chemical manufacturing, testing laboratories, additional canopy licensure tiers created in accordance with [section 15], and the fingerprint and background checks required under 50-46-308 and 50-46-311. The fees and other revenues collected through the taxes paid under 15-64-102, civil penalties imposed pursuant to this part, and the licensing fees established by rule and in [section 31] must be sufficient to offset the expenses of administering this part.

(2) In establishing the canopy for a provider or marijuana-infused products provider, the department shall take into consideration:

(a) safety and security issues;

(b) the need to avoid overproduction of marijuana and marijuana-infused products;

~~(b)~~(c) the provision of adequate access to usable marijuana to accommodate the needs of registered cardholders; and

~~(c)~~(d) economies of scale and their effect on the ability of licensees to comply with regulatory requirements and undercut illegal market prices.

(3) The administrative rules allowed under this section for testing laboratories must be developed by the department division responsible for overseeing the state laboratory.

~~(3) (a) Except as provided in subsection (3)(b), license fees for providers and marijuana-infused products providers are $1,000 for 10 or fewer registered cardholders and $5,000 for more than 10 registered cardholders.~~

~~(b) The department may revise the fee provided for in subsection (3)(a) as needed to adequately fund the administration of the Montana Medical Marijuana Act and the seed-to-sale tracking system, including operating reserve funds of $250,000. The department shall establish revised fees by rule.~~

~~(c) A provider of both marijuana and marijuana-infused products is required to have only one license.~~

~~(4) The department shall establish by rule the fees for dispensaries, endorsements for~~

~~chemical manufacturing, and testing laboratories.~~

~~(5) All fees and civil penalties collected under this part must be deposited in the medical marijuana state special revenue account established in 50-46-345.~~

~~(6) The department's rules must establish application and renewal fees that generate revenue sufficient to offset all expenses of implementing and administering this part.~~""

Renumber: subsequent sections

54. Page 28, line 24.
Following: "**reserve**"
Insert: "**-- transfer of excess funds**"

55. Page 28, line 27.
Strike: "19"
Insert: "31"

56. Page 29, line 5 through line 7.
Strike: "use the additional" on line 5 through "options" on line 7
Insert: "transfer the excess funds to the pain management education and treatment special revenue account provided for in [section 30].

57. Page 29.
Following: line 7
Insert: "NEW SECTION. **Section 30. Pain management education and treatment special revenue account.** (1) There is a pain management education and treatment account in the state special revenue fund provided for in 17-2-102 to the credit of the department.

(2) The account consists of money transferred into the account as provided in 50-46-345.

(3) Money in the account must be used by the department for:

(a) efforts to educate the public about using pain management techniques and treatments that do not involve the use of opioid drugs; and

(b) a block grant program to pay the costs of the following alternative pain management treatments for individuals who have no other payment source for the treatments:

(i) acupuncture;

(ii) chiropractic;

(iii) physical therapy; and

(iv) naturopathic physician services.

(4) The block grant program must be operated in accordance with criteria established by the department as allowed under 53-
24-204."

Renumber: subsequent sections

58. Page 29, line 28.
Insert: "NEW SECTION. **Section 32. Moratorium on provider licensing.** The department may not issue new provider licenses until all currently licensed providers are properly enrolled in and compliant with the seed-to-sale tracking system. The department may renew licenses for currently licensed providers who continue to meet licensing requirements."

Renumber: subsequent sections

59. Page 30, line 3.
Strike: "4, 9, 10, and 19"
Insert: "7, 15, 30, 31, and 32"

60. Page 30, line 5.
Strike: "4, 9, 10, and 19"
Insert: "7, 15, 30, 31, and 32"

61. Page 30, line 7.
Following: "**date**"
Insert: "**contingency -- direction to department of public health and human services**"
Strike: "and (3)"
Insert: "through (5)"

62. Page 30.
Following: line 8
Insert: "(2) [Sections 29 and 30] are effective July 1, 2019."
Renumber: subsequent subsections

63. Page 30, line 9.
Strike: "9 and 19"
Insert: "15 and 31"

64. Page 30.
Following: line 9
Insert: "(4) [Sections 4, 6, 7(1)(b), 9, 11, 13, 18, 24, and 28] are effective on the earlier of July 1, 2020, or the date that the department of public health and human services certifies to the code commissioner that the seed-to-sale tracking system is able to:

(a) track a registered cardholder's purchases of marijuana and marijuana-infused products from any provider or marijuana-infused products provider, not just the provider that the cardholder has named in the cardholder's applications for a registry identification card;

(b) alert all providers and marijuana-infused products providers that a registered cardholder has reached the maximum daily or monthly purchase limit; and

(c) prevent additional sales to a cardholder who has reached the daily or monthly maximum purchase limit."
Renumber: subsequent subsections

65. Page 30, line 10.
Strike: "[Section 13(7)] and this section"
Insert: "[Sections 2; 3; 5(4)(c), (5)(d), (6), (9)(c), and (9)(d); 8(1)(i) and (7)(b); 10(1)(a)(vi), (6)(d), (7)(a)(ii), (9)(c), and (9)(d); 12; 19; 21; 22(8); 23(8); 27(1)(f); and 32 through 37]"

66. Page 30, line 11.

Insert: "(6) The department shall notify all licensed providers, marijuana-infused products providers, and registered cardholders of the date on which cardholders no longer need to name a provider or marijuana-infused products provider."

67. Page 30, line 12.
Following: "**Applicability.**"
Insert: "(1)"
Strike: "13(7)"
Insert: "22(7)"

68. Page 30, line 13.
Strike: "13(7)"
Insert: "22(7)"

69. Page 30, line 14.
Insert: "(2) [Section 32] applies to provider applications submitted on or after [the effective date of section 32].

"NEW SECTION. **Section 37. Contingent termination.** (1) [Section 32] terminates on the date that the director of the department of public health and human services certifies to the governor that all providers licensed on [the effective date of this section] are properly enrolled in and compliant with the seed-to-sale tracking system.

(2) The governor shall transmit a copy of the certification to the code commissioner."
Renumber: subsequent sections

And, as amended, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bill concurred in: 3/28/2019

HB 327, introduced by A. Redfield

House bills passed and transmitted to the Senate for concurrence: 3/28/2019

HB 111, introduced by F. Fleming
HB 144, introduced by A. Redfield
HB 280, introduced by B. Brown
HB 385, introduced by W. Galt
HB 400, introduced by K. Dudik
HB 431, introduced by Z. Brown
HB 475, introduced by B. Tschida
HB 477, introduced by M. Funk

HB 597, introduced by D. Zolnikov
HB 630, introduced by S. Morigeau
HB 636, introduced by L. Jones
HB 645, introduced by K. Sullivan
HB 712, introduced by K. Holmlund
HB 713, introduced by K. Holmlund
HB 714, introduced by K. Holmlund
HB 716, introduced by T. Woods

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 50, introduced by J. Welborn, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 111, introduced by F. Fleming (by request of the Department of Corrections), referred to Judiciary.
HB 144, introduced by A. Redfield, referred to Taxation.
HB 280, introduced by B. Brown, referred to Fish and Game.
HB 385, introduced by W. Galt, D. Bartel, M. Blasdel, G. Hertz, L. Jones, S. Morigeau, D. Skees, B. Tschida, M. Weatherwax, J. Windy Boy, referred to Business, Labor, and Economic Affairs.
HB 400, introduced by K. Dudik, D. Salomon, referred to Public Health, Welfare and Safety.
HB 431, introduced by Z. Brown, D. Ankney, J. Bachmeier, B. Bennett, J. Dooling, K. Dudik, D. Dunn, P. Flowers, M. Hopkins, J. Krautter, M. MacDonald, S. Malek, W. McKamey, B. Mercer, A. Redfield, W. Sales, D. Salomon, R. Shaw, referred to Agriculture, Livestock and Irrigation.
HB 475, introduced by B. Tschida, W. Galt, referred to Business, Labor, and Economic Affairs.
HB 477, introduced by M. Funk, referred to Judiciary.
HB 597, introduced by D. Zolnikov, referred to Energy and Telecommunications.
HB 630, introduced by S. Morigeau, D. Zolnikov, referred to Taxation.
HB 636, introduced by L. Jones, B. Gillespie, referred to Taxation.
HB 645, introduced by K. Sullivan, J. Read, D. Zolnikov, referred to Judiciary.
HB 712, introduced by K. Holmlund, referred to Finance and Claims.
HB 713, introduced by K. Holmlund, referred to Finance and Claims.
HB 714, introduced by K. Holmlund, referred to Finance and Claims.
HB 716, introduced by T. Woods, L. Jones, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for

consideration of business on second reading. Motion carried. Senator Richmond in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 326 - Senator McConnell moved **SB 326** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Hinebauch, Hoven, Smith C, Vance.
Total 4

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 333 - Senator Cohenour moved **SB 333** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 35

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Hinebauch, Kary, Lang, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 14

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 344 - Senator Lang moved **SB 344** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Barrett, Jacobson, Pomnichowski.
Total 3

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 348 - Senator K. Regier moved **SB 348** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Bennett, Boland, Cohenour, Gross, MacDonald, McConnell, Pomnichowski.
Total 7

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 349 - Senator Cohenour moved **SB 349** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.

Total 27

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Gillespie, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 22

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 354 - Senator Olszewski moved **SB 354** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 19

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 321 - Senator Hoven moved **SB 321** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SJ 13 - Senator Cuffe moved **SJ 13** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, MacDonald, Malek, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 17

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Richmond moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: McClafferty, McNally, Phillips, Sands, Smith F.
Total 5

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 348**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered..

Majority Leader Thomas moved the President be authorized to appoint a conference committee, and request the House to appoint a like committee, to discuss **House amendments to SB 12**. Motion carried. The President appointed Senator Salomon, chair, and Senators McClafferty and Tempel.

Majority Leader Thomas moved the Senate **suspend Senate Rules 40-40, 40-60, 50-90, 50-190, and Joint Rule 40-150**, pertaining to second and third reading procedures, through the sixty-seventh legislative day. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 204 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 41

Nays: Blasdel, Esp, Keenan, Lang, Regier, Tempel, Vance, Mr President.
Total 8

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 216 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 19

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 245 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 34

Nays: Blasdel, Brown, Ellsworth, Esp, Hinebauch, Kary, Keenan, Lang, Olszewski, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 15

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 312 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 328 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, MacDonald, McClafferty, McConnell, McNally, Osmundson, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Welborn, Mr President.
Total 30

Nays: Barrett, Brown, Cuffe, Esp, Fielder, Gross, Kary, Keenan, Lang, Malek, Olszewski, Phillips, Pomnichowski, Regier, Sands, Sesso, Vance, Webb, Webber.
Total 19

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 331 failed as follows:

Yeas: Ankney, Blasdel, Bogner, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Hoven, Osmundson, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webber, Welborn, Mr President.
Total 20

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Flowers, Gross, Hinebauch, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Sands, Smith F, Vuckovich, Webb.
Total 29

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 337 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Fielder, Kary, Keenan, Olszewski.
Total 4

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 338 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 33

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Hinebauch, Hoven, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Vance, Webb, Mr President.
Total 16

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 352 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Esp, Fielder, Keenan.
Total 3

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 119 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Esp, Hinebauch.
Total 2

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 226 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Esp.
Total 1

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 295 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Fielder, Olszewski.
Total 2

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 310 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 40

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Pomnichowski, Sands, Smith F, Vuckovich.
Total 9

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 15 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 36

Nays: Blasdel, Cuffe, Ellsworth, Esp, Keenan, Lang, Olszewski, Osmundson, Regier, Tempel, Vance, Webb, Mr President.
Total 13

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 351 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 43

Nays: Hinebauch, Keenan, Lang, Regier, Vance, Mr President.
Total 6

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 387 concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn.
Total 33

Nays: Barrett, Ellis, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, MacDonald, Olszewski, Pomnichowski, Sands, Vance, Webber, Mr President.
Total 16

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes made by Senator Bogner under Motions.

HB 35 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.
Total 37

Nays: Bogner, Brown, Esp, Fielder, Hinebauch, Kary, Keenan, Malek, Olszewski, Smith C, Thomas, Mr President.

Total 12

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

President Sales excused at this time.

SB 346 - Senator Fitzpatrick moved **SB 346** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Howard, Mr President.
Total 2

Absent or not voting: None.
Total 0

President Sales present at this time.

SB 351 - Senator Ellsworth moved **SB 351** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 358 - Senator Gauthier moved **SB 358** do pass.

SB 358 - Senator Gauthier moved **SB 358**, second reading copy, be amended as follows:

1. Title, page 1, line 7.
Strike: "AND REPORT ALCOHOL STORAGE FACILITY LICENSES"

2. Page 2, line 20 through line 21.
Strike: "**-- resort alcohol storage facility**" on line 20 through "**licenses**" on line 21

3. Page 3, line 6.
Strike: "is"

4. Page 3, line 7.
Following: "(a)"
Insert: "is"

5. Page 3, line 8.
Following: line 7
Insert: "(b) allows delivery of alcohol to the accommodation units of guests, as long as the guests are present, age is verified, and the guests are not intoxicated;"
Renumber: subsequent subsections
Following: "(b)"
Insert: "is"

6. Page 3, line 9.

Following: "(c)"
Insert: "is"

7. Page 3, line 10 through line 26.
Strike: subsection (5) through subsection (7) in their entirety
Renumber: subsequent subsections

8. Page 10, line 4.
Following: "~~and~~"
Insert: "and"

9. Page 10, line 5 through 6.
Following: "license" on line 5
Strike: remainder of line 5 through "license" on line 6

10. Page 11, line 9 through line 10.
Strike: subsection (g) in its entirety

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Fielder, Smith C.
Total 2

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 358 - As amended, **SB 358** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 43

Nays: Esp, Fielder, Hinebauch, Osmundson, Smith C, Smith F.
Total 6

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 365 - Senator D. Brown moved **SB 365** do pass.

SB 365 - Senator D. Brown moved **SB 365**, second reading copy, be amended as follows:

1. Title, page 1, line 4.
Following: "FLATHEAD"
Strike: "VALLEY"
Insert: "COUNTY"

2. Page 1, line 11.
Following: "Flathead"
Strike: "valley"
Insert: "County"

3. Page 1, line 12.
Following: "Flathead"
Strike: "valley"
Insert: "County"

4. Page 1, line 15.
Following: "Flathead"
Strike: "valley"
Insert: "County"

5. Page 1, line 17.
Following: "Flathead"
Strike: "valley"
Insert: "County"

6. Page 1, line 18.
Following: "Flathead"
Strike: "valley"

Insert: "County"

7. Page 1, line 21.
Following: "Flathead"
Strike: "valley"
Insert: "County"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Bennett, Kary.
Total 2

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 365 - As amended, **SB 365** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.

Total 0

SB 324 - Senator Jacobson moved **SB 324** do pass.

SB 324 - Senator Jacobson moved **SB 324**, second reading copy, be amended as follows:

1. Page 1, line 21.
Strike: line 21
Insert: "in a place where the older person or person with a developmental disability has a reasonable expectation of privacy."

2. Page 3, line 1.
Strike: "into" through "facility"

3. Page 3, line 2.
Strike: "long-term care"

4. Page 3, line 24.
Following: "disability"
Strike: "residing" through "facility"
Insert: "in a place where the older person or person with a developmental disability has a reasonable expectation of privacy"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 324 - As amended, **SB 324** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 40

Nays: Cuffe, Ellsworth, Esp, Hinebauch, Kary, Lang, Smith C, Tempel, Vance.
Total 9

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 343 - Senator Richmond moved **SB 343** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Thomas, Vuckovich, Webber, Welborn.
Total 28

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Smith F, Tempel, Vance, Webb, Mr President.
Total 21

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 356 - Senator Ankney moved **SB 356** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Kary, Keenan, Lang, McConnell, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vuckovich, Webb, Welborn, Mr President.
Total 27

Nays: Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Flowers, Gross, Hinebauch, Hoven, Jacobson, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vance, Webber.
Total 22

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 362 - Senator Lang moved **SB 362** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Vance.
Total 1

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

MOTIONS

Senator Bogner moved to change his third-reading vote on **HB 387** from No to Yes. Without objection, so ordered.

Majority Leader Thomas moved the Senate recess for approximately forty-five minutes. Motion carried.

Senate recessed at 2:57 p.m.

Senate reconvened at 3:49 p.m. President Sales presiding.

MOTIONS

Majority Leader Thomas move the Senate reconsider its third-reading action on **SB 331**, and that **SB 331** be placed on third reading this date. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Lang, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Flowers, Gross, Keenan, MacDonald, Malek, McClafferty, McConnell, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webber.

Total 19

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 331 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 27

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Fielder, Flowers, Gross, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Webber.
Total 22

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved to take **HB 318** from the Senate and place it on second reading at the top of the agenda.. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for

consideration of business on second reading. Motion carried. Senator Phillips in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 318 - Senator Fitzpatrick moved **HB 318** be concurred in.

HB 318 - Senator Olszewski moved **HB 318** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Mr President.
Total 23

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Vuckovich, Webber, Welborn.
Total 26

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 318 - Thereupon, the Senate reverted to the original motion of Senator Fitzpatrick which passed as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Vuckovich, Webber, Welborn.
Total 26

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Mr President.
Total 23

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Senator Esp excused at this time.

SB 319 - Senator Kary moved **SB 319** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Esp, Howard.
Total 2

Absent or not voting: None.
Total 0

Senator Esp present at this time.

SB 334 - Senator Hoven moved **SB 334** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn, Mr President.
Total 29

Nays: Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Webb.
Total 20

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 364 - Senator D. Brown moved **SB 364** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Smith F, Vuckovich.
Total 2

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 69 - Senator Blasdel moved **SB 69** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 353 - Senator Cohenour moved **SB 353** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 25

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 360 - Senator Jacobson moved **SB 360** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Thomas, Vance, Webb, Mr President.
Total 21

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 359 - Senator Bennett moved **SB 359** do pass. Motion **failed** as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 24

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 25

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 359 - Senator Thomas moved **SB 359** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 27

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Webber.
Total 22

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Malek, McClafferty, McConnell, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 37

Nays: Barrett, Bennett, Boland, Ellis, Fielder, Flowers, Gross, MacDonald, McNally, Olszewski, Sands, Webber.
Total 12

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Senate recessed at 4:54 p.m.

Senate reconvened at 5:10 p.m. President Sales presiding.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 265 - Senator Jacobson moved **SB 265** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 37

Nays: Brown, Cuffe, Ellsworth, Esp, Fielder, Gross, Hinebauch, Kary, Olszewski, Smith C, Vance, Mr President.
Total 12

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.

Total 0

SB 266 - Senator Blasdel moved **SB 266** do pass. Motion carried as follows:

Yeas: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 37

Nays: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Hinebauch, Pomnichowski, Vance, Welborn, Mr President.
Total 12

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 330 - Senator Blasdel moved **SB 330** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Kary, Keenan, McClafferty, McConnell, McNally, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith F, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 33

Nays: Barrett, Brown, Esp, Fielder, Hinebauch, Hoven, Lang, MacDonald, Malek, Olszewski, Osmundson, Pomnichowski, Sands, Smith C, Tempel, Thomas.
Total 16

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 341 - Senator Blasdel moved **SB 341** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

SB 363 - Senator Ankney moved **SB 363** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn.
Total 31

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gauthier, Hinebauch, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Thomas, Vance, Mr President.
Total 18

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Brown, Olszewski.
Total 2

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, April 1, 2019, the sixty-seventh legislative day. Motion carried.

Senate adjourned at 5:51 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SIXTY-SIXTH LEGISLATIVE DAY

Helena, Montana
March 30, 2019

Senate Chambers
State Capitol

Senate did not meet in session this date.

SENATE JOURNAL
66TH LEGISLATURE
SIXTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 1, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Richmond. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Gross excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/1/2019
Correctly printed: **SB 69**, **SB 265**, **SB 266**, **SB 319**, **SB 330**, **SB 334**, **SB 341**, **SB 353**, **SB 360**, **SB 363**, **SB 364**, **HB 318**.
Correctly engrossed: **HB 2**, **HB 21**, **HB 576**, **SB 266**, **SB 330**, **SB 341**.
Correctly enrolled: **SB 119**, **SB 226**, **SB 275**, **SB 288**, **SB 295**, **SB 310**.
Examined by the sponsor and found to be correct: **SB 157**, **SB 226**, **SB 295**, **SB 310**.
Transmitted to the House: **SB 69**, **SB 119**, **SB 204**, **SB 216**, **SB 226**, **SB 239**, **SB 245**, **SB 265**, **SB 266**, **SB 295**, **SB 310**, **SB 312**, **SB 319**, **SB 321**, **SB 324**, **SB 326**, **SB 328**, **SB 330**, **SB 331**, **SB 333**, **SB 334**, **SB 337**, **SB 338**, **SB 341**, **SB 343**, **SB 344**, **SB 346**, **SB 349**, **SB 351**, **SB 352**, **SB 353**, **SB 354**, **SB 358**, **SB 360**, **SB 362**, **SB 363**, **SB 364**, **SB 365**, **SJ 13**, **HB 15**, **HB 35**, **HB 129**, **HB 279**, **HB 318**, **HB 351**, **HB 387**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 3/29/2019
HB 576, be amended as follows:

1. Page 1, line 20.
Following: "If"
Insert: "the trustees accept a gift, legacy, or devise pursuant to subsection (1) and if"

2. Page 2.
Following: line 13
Insert: "(7) The legislature encourages school district trustees to adopt a gift acceptance policy to determine the suitability of accepting gifts under this section."

And, as amended, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 3/29/2019
SB 266, introduced bill, be amended as follows:

1. Title, page 1, line 11.
Following: "SECTIONS"
Insert: "15-30-2357,"
Following: "15-30-2618"

Insert: ","

2. Page 5, line 7.
Strike: "The" through "also consider"
Insert: "A taxpayer claiming this credit may not claim"

3. Page 5, line 8.
Following: "39-6-109"
Insert: "in the same tax year that this credit is claimed. This subsection does not prevent a credit carryover from this credit from being used in a tax year in which the apprenticeship tax credit is claimed"

4. Page 5, line 23.
Insert: "Section 4. Section 15-30-2357, MCA, is amended to read:

"15-30-2357. Tax credit for hiring registered apprentice or veteran apprentice. (1) Subject to the provisions of [section 2(8)] and 39-6-109, a taxpayer is allowed a credit against the tax imposed by chapter 31 or this chapter for employing a registered apprentice or registered veteran apprentice who works in Montana.

(2) The credit may not exceed the taxpayer's tax liability and may not be carried forward or carried back.

(3) The credit may be claimed only in the tax year in which the department of labor and industry approved the credit as provided in 39-6-109(4). If a taxpayer claims the credit but was not approved by the department of labor and industry, the taxpayer's return must be processed without regard to the credit.

(4) For fiscal year filers, the credit available to claim in the current fiscal year is the credit allowed for the calendar year that ends within the taxpayer's fiscal period.

(5) Subject to the probationary period provided for in 39-6-109, if an employer employs an apprentice for less than the full preceding calendar year, the employer may apply for the full credit for the year in which the apprentice was employed.

(6) The department shall, after consultation with the department of labor and industry, prescribe a form for a taxpayer to claim the tax credit. The form must provide the department with sufficient information for the proper administration of the credit.

(7) The department shall provide the department of labor and industry an annual report detailing the tax credit provided to employers for the previous year. The information provided to the department of labor and industry is subject to the provisions of 15-30-2618 and 15-31-511.

(8) The department may adopt rules, prepare forms, and maintain records that are necessary to implement this credit.""
Renumber: subsequent sections

And, as amended, do pass.

SB 330, introduced bill, be amended as follows:

1. Page 3, line 11.
Strike: "in cash by the bettor"

Following: "kiosk"
Insert: "as defined by rule and"

And, as amended, do pass.

SB 341, introduced bill, be amended as follows:

1. Title, line 8.
Following: "AGREEMENTS;"
Insert: "PROVIDING RULEMAKING AUTHORITY;"

2. Page 2, line 16.
Strike: "to a single owner"

3. Page 2, line 18.
Strike: ", 87-1-265,"

4. Page 2, line 23.
Following: line 22
Insert: "NEW SECTION. **Section 3. Rulemaking authority.** The department may adopt rules to implement the provisions of [sections 1 and 2]."
Renumber: subsequent sections

5. Page 3, line 29.
Strike: "and 2"
Insert: "through 3"

6. Page 3, line 30.
Strike: "and 2"
Insert: "through 3"

And, as amended, do pass.

JUDICIARY (Regier, Chair): 3/29/2019
HB 21, be amended as follows:

1. Title, page 1, line 7.
Strike: "REQUIRING"
Insert: "ALLOWING"
Strike: "PROVIDING DUTIES;"

2. Page 1, line 18.
Strike: "(a)"
Following: "department"
Strike: "shall"

Insert: "may"

3. Page 1, line 19 through page 2, line 5.
Following: "cases." on line 19
Strike: remainder of line 19 through line 5 in their entirety

And, as amended, be concurred in.

HB 146, be concurred in.
HB 284, be concurred in.
HJ 26, be concurred in.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/29/2019

SB 275, introduced by A. Olszewski
SB 288, introduced by D. Brown

Senate amendments to House bills concurred in: 3/29/2019

HB 158, introduced by R. Peppers
HB 192, introduced by M. Ryan
HB 305, introduced by T. Winter

HB 652, introduced by M. Hopkins, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/29/2019

Yeas - 68
Nays - 30

House bills passed and transmitted to the Senate for concurrence: 3/29/2019

HB 4, introduced by D. Bartel
HB 52, introduced by J. Keane
HB 293, introduced by W. Galt
HB 411, introduced by W. Curdy
HB 500, introduced by L. Sheldon-Galloway
HB 515, introduced by B. Usher
HB 613, introduced by S. Vinton
HB 643, introduced by R. Knudsen
HB 654, introduced by Z. Brown
HB 715, introduced by L. Jones
HB 719, introduced by K. Dudik

HB 732, introduced by D. Harvey
HB 756, introduced by B. Smith

House bills passed and transmitted to the Senate for concurrence: 3/30/2019

HB 130, introduced by J. Fuller
HB 311, introduced by K. White
HB 355, introduced by K. White
HB 405, introduced by J. Krautter
HB 412, introduced by B. Hamlett
HB 421, introduced by J. Dooling
HB 439, introduced by D. Loge
HB 457, introduced by D. Zolnikov
HB 534, introduced by B. Mercer
HB 566, introduced by B. Bessette
HB 640, introduced by S. Morigeau
HB 658, introduced by E. Buttrey
HB 661, introduced by G. Custer
HB 684, introduced by M. Regier
HB 694, introduced by J. Hamilton
HB 717, introduced by M. Weatherwax
HB 723, introduced by D. Fern
HB 725, introduced by R. Lynch
HB 735, introduced by M. Hopkins
HB 763, introduced by R. Lynch
HB 776, introduced by B. Tschida

SB 12 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 12:**

3/30/2019

Representative Vinton, Vice Chair
Representative Funk
Representative Grubbs

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 51, introduced by D. Howard, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 4, introduced by D. Bartel (by request of the Office of Budget and Program Planning), referred to Finance and Claims.
HB 52, introduced by J. Keane (by request of the Department of Commerce), referred to Business, Labor, and Economic Affairs.
HB 130, introduced by J. Fuller, A. Doane, referred to Taxation.
HB 293, introduced by W. Galt, D. Bartel, D. Fern, G. Hertz, S. Morigeau, C. Schreiner, B. Smith, K. White, D. Zolnikov, Malek, Bedey, referred to Taxation.
HB 311, introduced by K. White, Z. Brown, referred to Fish and Game.
HB 355, introduced by K. White, referred to Fish and Game.
HB 405, introduced by J. Krautter, Z. Brown, E. Buttrey, J. Dooling, M. Dunwell, R. Fitzgerald, E. Kerr-Carpenter, D. Loge, W. McKamey, G. Pierson, referred to Business, Labor, and Economic Affairs.
HB 411, introduced by W. Curdy, J. Cohenour, referred to Natural Resources.
HB 412, introduced by B. Hamlett, K. Abbott, D. Ankney, M. Caferro, M. Cuffe, W. Curdy, N. Duram, S. Fitzpatrick, M. Hopkins, D. Kary, J. Keane, K. Kelker, N. McConnell, D. Sands, C. Schreiner, referred to Highways and Transportation.
HB 421, introduced by J. Dooling, D. Fern, F. Fleming, B. Mercer, V. Ricci, B. Usher, referred to Judiciary.
HB 439, introduced by D. Loge, F. Anderson, D. Fern, K. Holmlund, R. Knudsen, M. Noland, S. Vinton, P. Webb, Dunwell, referred to Judiciary.
HB 500, introduced by L. Sheldon-Galloway, F. Anderson, D. Bartel, B. Beard, D. Bedey, S. Berglee, M. Blasdel, K. Bogner, B. Brown, D. Brown, T. Burnett, G. DeVries, A. Doane, J. Dooling, D. Dunn, N. Duram, R. Fitzgerald, F. Fleming, J. Fuller, W. Galt, R. Garcia, C. Glimm, S. Greef, S. Gunderson, G. Hertz, S. Hinebauch, K. Holmlund, M. Hopkins, D. Kary, J. Kassmier, B. Keenan, R. Knudsen, J. Krautter, M. Lang, D. Lenz, D. Loge, F. Mandeville, T. Manzella, W. McKamey, B. Mercer, T. Moore, D. Mortensen, M. Noland, A. Olszewski, J. Read, A. Redfield, K. Regier, M. Regier, S. Sales, D. Salomon, R. Shaw, D. Skees, C. Smith, F. Thomas, B. Tschida, B. Usher, S. Vinton, P. Webb, R. Webb, referred to Judiciary.
HB 515, introduced by B. Usher, referred to Business, Labor, and Economic Affairs.
HB 534, introduced by B. Mercer, referred to Judiciary.
HB 566, introduced by B. Bessette, referred to Business, Labor, and Economic Affairs.
HB 613, introduced by S. Vinton, F. Anderson, B. Grubbs, S. Gunderson, T. Manzella, V. Ricci, D. Skees, T. Welch, referred to Public Health, Welfare and Safety.
HB 640, introduced by S. Morigeau, K. Abbott, F. Anderson, J. Bachmeier, J. Bahr, D. Bartel, B. Beard, D. Bedey, S. Berglee, B. Bessette, L. Bishop, B. Brown, Z. Brown, T. Burnett, E. Buttrey, M. Caferro, W. Curdy, G. Custer, G. DeVries, A. Doane, J. Dooling, K. Dudik, D. Dunn, M. Dunwell, N. Duram, R. Farris-Olsen, D. Fern, R. Fitzgerald, F. Fleming, M. Funk, W. Galt, R. Garcia, F. Garner, C. Glimm, S. Greef, B. Grubbs, S. Gunderson, J. Hamilton, B. Hamlett, D. Harvey, D. Hayman, G. Hertz, K. Holmlund, M. Hopkins, L. Jones, J. Karjala, J. Kassmier, J. Keane, K. Kelker, C. Keogh, E. Kerr-Carpenter, C. Knudsen, R. Knudsen, J. Krautter, J. Krotkov, D. Lenz, D. Loge, R. Lynch, F. Mandeville, T. Manzella, M. Marler, W. McKamey, B. Mercer, F. Moore, T. Moore, M. Noland, A. Olsen, R. Peppers, Z. Perry, G. Pierson, C. Pope, J. Read, A. Redfield, M. Regier, V. Ricci, T. Runningwolf, M. Ryan, W. Sales, C. Schreiner, R. Shaw, L. Sheldon-Galloway, D. Skees, B. Smith, S. Stewart Peregoy, K. Sullivan, M. Sweeney, B. Tschida, B. Usher, S. Vinton, M. Weatherwax, P. Webb, T. Welch, K. White, J. Windy Boy, T. Winter, T. Woods, D. Zolnikov,

referred to Judiciary.
HB 643, introduced by R. Knudsen, F. Anderson, B. Beard, S. Berglee, D. Fern, F. Fleming, C. Knudsen, D. Lenz, M. Noland, V. Ricci, B. Smith, B. Usher, S. Vinton, referred to Education and Cultural Resources.
HB 652, introduced by M. Hopkins, N. Ballance, D. Bedey, E. Buttrey, R. Fitzgerald, F. Fleming, R. Garcia, F. Garner, B. Grubbs, K. Holmlund, L. Jones, J. Keane, D. Loge, R. Lynch, F. Moore, R. Peppers, G. Pierson, J. Read, J. Sesso, T. Welch, J. Dooling, J. Hamilton, W. Sales, M. Cuffe, referred to Finance and Claims.
HB 654, introduced by Z. Brown, referred to Finance and Claims.
HB 658, introduced by E. Buttrey, F. Anderson, D. Ankney, N. Ballance, G. Custer, J. Dooling, R. Fitzgerald, S. Fitzpatrick, R. Garcia, F. Garner, T. Gauthier, B. Grubbs, K. Holmlund, B. Hoven, L. Jones, J. Kassmier, D. Loge, W. McKamey, F. Moore, T. Richmond, W. Sales, D. Salomon, R. Shaw, J. Small, R. Tempel, J. Welborn, T. Welch, referred to Public Health, Welfare and Safety.
HB 684, introduced by M. Regier, referred to Finance and Claims.
HB 694, introduced by J. Hamilton, referred to Business, Labor, and Economic Affairs.
HB 717, introduced by M. Weatherwax, B. Bennett, K. Dudik, S. Morigeau, D. Salomon, D. Zolnikov, referred to Highways and Transportation.
HB 719, introduced by K. Dudik, K. Abbott, J. Bahr, B. Bennett, B. Bessette, M. Caferro, J. Cohenour, W. Curdy, G. Custer, J. Dooling, M. Dunwell, S. Greef, J. Gross, J. Hamilton, B. Hamlett, D. Harvey, D. Hayman, J. Karjala, K. Kelker, T. Manzella, W. McKamey, S. Morigeau, A. Olsen, R. Peppers, Z. Perry, J. Pomnichowski, M. Ryan, D. Salomon, C. Schreiner, L. Sheldon-Galloway, S. Stewart Peregoy, K. Sullivan, B. Usher, S. Vinton, M. Weatherwax, P. Webb, D. Zolnikov, C. Boland, D. Brown, S. Fitzpatrick, J. Gross, T. Jacobson, M. MacDonald, S. Malek, E. McClafferty, N. McConnell, M. McNally, D. Sands, G. Vuckovich, W. Galt, referred to Highways and Transportation.
HB 723, introduced by D. Fern, referred to Taxation.
HB 725, introduced by R. Lynch, M. Hopkins, M. Blasdel, referred to Business, Labor, and Economic Affairs.
HB 732, introduced by D. Harvey, C. Schreiner, referred to Business, Labor, and Economic Affairs.
HB 735, introduced by M. Hopkins, D. Bedey, G. Hertz, L. Jones, D. Lenz, D. Skees, B. Tschida, referred to Judiciary.
HB 756, introduced by B. Smith, referred to Highways and Transportation.
HB 763, introduced by R. Lynch, K. Dudik, referred to Judiciary.
HB 776, introduced by B. Tschida, referred to State Administration.

The following House bills were introduced and read first time:

HB 457, introduced by D. Zolnikov, B. Bennett, J. Ellsworth, D. Dunn, J. Read, K. Sullivan.
HB 661, introduced by G. Custer, D. Ankney.
HB 715, introduced by L. Jones, N. Ballance.

MOTIONS

Majority Leader Thomas moved that **SB 266**, **SB 330**, and **SB 341** be taken from the third reading

agenda and placed on second reading this date. Without objection, so ordered.

Senator Webb moved that **SB 322** be taken from the Taxation Committee and placed on second reading this date. Motion **failed** as follows:

Yeas: Ellsworth, Hoven, Lang, Olszewski, Regier, Richmond, Thomas, Webb.
Total 8

Nays: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 41

Paired: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Majority Leader Thomas in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 584 - Senator Fitzpatrick moved **HB 584** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Ellis, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, McConnell, McNally, Phillips, Richmond, Salomon, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn, Mr President.
Total 28

Nays: Barrett, Brown, Cohenour, Cuffe, Esp, Fielder, Flowers, Howard, Keenan, Lang, MacDonald, Malek, McClafferty, Olszewski, Osmundson, Pomnichowski, Regier, Sands, Smith C, Vance, Webb.
Total 21

Paired: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 617 - Senator Vance moved **HB 617** be concurred in.

HB 617 - Senator Vance moved **HB 617**, second reading copy, be amended as follows:

1. Page 26, line 23.
Following: line 22
Insert: "NEW SECTION. **Section 19. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent sections

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 617 - As amended, **HB 617** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard,

Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 41 - Senator Webber moved **HB 41** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 32

Nays: Brown, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Regier, Smith C, Tempel, Vance, Webb, Mr President.
Total 17

Paired: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 150 - Senator Small moved **HB 150** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.
Total 0

Paired: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 267 - Senator Phillips moved **HB 267** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

HB 476 - Senator Ankney moved **HB 476** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, McNally, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 34

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Keenan, MacDonald, Malek, McClafferty, McConnell, Olszewski, Pomnichowski, Sands, Webber.
Total 15

Paired: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

Senator Gross present at this time.

HB 481 - Senator Malek moved **HB 481** be concurred in.

HB 481 - Senator Malek moved **HB 481**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Following: "ACT;"
Strike: "AND"
Following: "PROVIDING"
Insert: "AN IMMEDIATE EFFECTIVE DATE AND"

2. Page 2, line 10.
Following: line 9
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."
Renumber: subsequent sections

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Esp, Hinebauch, Howard, Keenan, Smith F, Vuckovich.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 481 - As amended, **HB 481** was concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Hinebauch, Hoven, Howard, Kary, Lang, MacDonald, Malek, McClafferty, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 34

Nays: Bennett, Boland, Cohenour, Cuffe, Ellis, Esp, Gillespie, Gross, Jacobson, Keenan, McConnell, McNally, Pomnichowski, Sands, Smith F, Webber.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 266 - Senator Blasdel moved **SB 266** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 32

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Fielder, Gillespie, Hinebauch, Howard, Keenan, Malek, Pomnichowski, Sands, Tempel, Vance, Mr President.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 330 - Senator Blasdel moved **SB 330** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Regier, Richmond, Salomon, Sesso,

Small, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 38

Nays: Barrett, Brown, Esp, Fielder, Hinebauch, Howard, Lang, Osmundson, Pomnichowski, Sands, Smith C, Tempel.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 341 - Senator Blasdel moved **SB 341** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Smith F.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 487 - Senator Small moved **HB 487** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 33

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Vuckovich, Webber.

Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 265 - Senator C. Smith moved consideration of **HB 265** be passed for the day. Motion carried.

HB 279 - Senator C. Smith moved **HB 279** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 23

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 27

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 279 - Senator C. Smith moved **HB 279** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 37

Nays: Blasdel, Brown, Esp, Fielder, Gillespie, Hinebauch, Howard, Keenan, Olszewski, Osmundson, Regier, Thomas, Webb.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 285 - Senator Welborn moved **HB 285** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 497 - Senator Lang moved **HB 497** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 325 - Senator Hinebauch moved **HB 325** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 357 - Senator Hinebauch moved **HB 357** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 257 - Senator S. Sales moved **HB 257** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Brown, Howard.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 347 - Senator MacDonald moved **HB 347** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Bennett.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 463 - Senator K. Regier moved **HB 463** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr

President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 461 - Senator MacDonald moved **HB 461** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 18 - Senator Ellsworth moved **HJ 18** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.

Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator C. Smith moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Boland, Ellis, Kary, Smith F.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **SB 226**, **SB 330**, and **SB 341**, heard under second reading this date, be placed to third reading this date. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 266 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gross, Hinebauch, Hoven, Jacobson, Kary, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 34

Nays: Barrett, Bennett, Boland, Brown, Ellis, Fielder, Gillespie, Howard, Keenan, Lang, Malek, Pomnichowski, Smith F, Tempel, Vance, Mr President.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 330 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, MacDonald, McClafferty, McConnell, McNally, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 36

Nays: Barrett, Brown, Esp, Fielder, Hinebauch, Howard, Lang, Malek, Olszewski, Osmundson, Pomnichowski, Sands, Tempel, Thomas.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 341 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally,

Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Smith C.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 69 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 239 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 36

Nays: Barrett, Boland, Cohenour, Ellis, Esp, MacDonald, Malek, McClafferty, Phillips,

Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 265 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 36

Nays: Bennett, Brown, Cuffe, Esp, Fielder, Hinebauch, Howard, Lang, Olszewski, Regier, Smith C, Vance, Welborn, Mr President.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 319 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 321 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Brown, Cuffe, Esp, Fielder, Hinebauch, Keenan, Olszewski, Mr President.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 324 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 40

Nays: Cuffe, Ellsworth, Hinebauch, Howard, Kary, Lang, Smith C, Tempel, Vance, Mr President.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 326 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Hoven, Keenan, Vance.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 333 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 334 passed as follows:

Yeas: Ankney, Barrett, Bennett, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven,

Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber.
Total 28

Nays: Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Vance, Webb, Welborn, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 343 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Webber, Welborn.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 344 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Barrett, Boland, Jacobson, Pomnichowski.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 346 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 349 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 27

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 23

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 351 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 353 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 354 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 356 failed as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Kary, Lang, Regier, Smith C, Tempel, Thomas, Webb, Welborn, Mr President.
Total 18

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vance, Vuckovich, Webber.
Total 32

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 358 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 36

Nays: Brown, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Olszewski, Osmundson, Smith C, Vance, Webb, Mr President.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 360 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Thomas, Vance, Webb, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 362 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: Vance.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 364 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 365 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 13 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 33

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 129 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Richmond, Salomon, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Brown, Cuffe, Ellsworth, Fielder, Hinebauch, Howard, Jacobson, Kary, Keenan, Olszewski, Pomnichowski, Regier, Sands, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 318 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for this week:

Samantha May from Joplin, sponsored by Senator Tempel
Maggie Graves from Eureka, sponsored by Senator Cuffe
Brady Lang from Bozeman, sponsored by Senator Lang
Padraig Lang from Bozeman, sponsored by Senator Lang

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, April 2, 2019, the sixty-eighth legislative day

Senate adjourned at 3:14 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SIXTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 2, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Cuffe. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Fielder excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/2/2019
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the fifty-sixth through the sixtieth legislative days, find the same to be correct.

Correctly printed: **HB 41**, **HB 146**, **HB 150**, **HB 257**, **HB 267**, **HB 284**, **HB 285**, **HB 325**, **HB 347**, **HB 357**, **HB 461**, **HB 463**, **HB 476**, **HB 487**, **HB 497**, **HB 584**, **HJ 18**, **HJ 26**, **SR 51**.
Correctly engrossed: **SR 36**, **HB 106**, **HB 126**, **HB 172**, **HB 231**, **HB 260**, **HB 481**, **HB 506**, **HB 599**, **HB 617**.
Examined by the sponsor and found to be correct: **SB 119**, **SB 275**, **SB 288**.
Signed by the Secretary of the Senate at 7:15 a.m., March 29, 2019: **SB 3**, **SB 14**, **SB 52**, **SB 89**, **SB 98**, **SB 163**, **SB 223**, **SB 243**.
Signed by the Secretary of the Senate at 9:00 a.m., March 28, 2019: **SB 64**, **SB 88**, **SB 261**, **SB 274**.
Signed by the Secretary of the Senate at 9:50 a.m., March 27, 2019: **SB 1**, **SB 9**, **SB 36**, **SB 46**, **SB 61**, **SB 82**, **SB 182**, **SB 217**, **SB 292**, **SR 26**.
Signed by the President at 8:30 a.m., April 2, 2019: **SB 1**, **SB 9**, **SB 36**, **SB 46**, **SB 61**, **SB 82**, **SB 182**, **SB 217**, **SB 292**, **SR 26**.
Signed by the President at 9:00 a.m., April 2, 2019: **SB 64**, **SB 88**, **SB 261**, **SB 274**.
Signed by the President at 10:00 a.m., April 2, 2019: **SB 3**, **SB 14**, **SB 52**, **SB 89**, **SB 98**, **SB 163**, **SB 223**, **SB 243**.
Delivered to the Secretary of State at 12:36 p.m., April 2, 2019: **SR 26**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/2/2019
SR 36, introduced resolution, be amended as follows:

1. Page 1, line 18.
Strike: line 18

And, as amended, be adopted.

SR 46, be adopted.

HB 558, be concurred in.
HB 578, be concurred in.

JUDICIARY (Regier, Chair): 4/2/2019
HB 48, be concurred in.
HB 369, be concurred in.
HB 473, be concurred in.
HB 543, be concurred in.
HB 549, be concurred in.
HB 561, be concurred in.
HB 567, be concurred in.
HB 591, be concurred in.
HB 615, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/1/2019
HB 583, be concurred in.
HB 599, be amended as follows:

1. Page 1, line 8.
Strike: "AND"

2. Title, page 1, line 9.
Following: "MCA"
Insert: "; AND PROVIDING A TERMINATION DATE"

3. Page 1.
Following: line 11
Insert: "NEW SECTION. **Section 1. Recognition of federal authority.** The state of Montana recognizes that the Indian Health Care Improvement Act, 25 U.S.C. 1601, et seq.:

(1) provides the federal secretary of health and human services, acting through the Indian health service, with the authority to:

(a) establish a community health aide program in the state of Montana; and

(b) establish and maintain a community health aide certification board to adopt certification standards for individuals to act as specific aides within the program, including community health aides, behavioral health aides, and dental health aide therapists; and

(2) requires dental health aide therapist services to be excluded from the community health aide program in Montana unless the services are authorized under state law and provided in accordance with state law."
Renumber: subsequent sections

4. Page 1, line 15 through line 16.
Strike: "authority" on line 15 through "of" on line 16
Insert: "certification in a practice setting located within the exterior boundaries of a tribal reservation and operated by"

5. Page 1, line 16.
Following: "service"
Strike: ","
Insert: "or"

6. Page 1, line 17.
Strike: "or an urban Indian health center"

7. Page 1, line 28.
Following: "primary"
Strike: ","
Insert: "or"
Following: "preventive"
Strike: ", or restorative"

8. Page 1, line 29.
Following: "certification"
Insert: ", and provided that performing dental extractions or invasive procedures to teeth and gums is prohibited"

9. Page 3, line 17.
Following: "section"
Strike: "1"
Insert: "2"

10. Page 6, line 2.
Following: "section"
Strike: "1"
Insert: "2"

11. Page 6, line 4.
Strike: "[Section 1] is"
Insert: "[Sections 1 and 2] are"

12. Page 6, line 5.
Strike: "[section 1]"
Insert: "[sections 1 and 2]"

13. Page 6.
Following: line 5
Insert: "NEW SECTION. **Section 7. Termination.** [This act] terminates September 30, 2021."

And, as amended, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 4/1/2019
HB 106, be amended as follows:

1. Title, page 1, line 7.
Strike: "REIMBURSEMENT"
Insert: "ALLOWANCE"

2. Title, page 1, line 8.
Following: "~~OR~~"
Insert: "ALLOWANCE AND"

3. Title, line 9.
Strike: "IS PROHIBITED"
Insert: "ARE ALLOWED"
Strike: "ALLOWING" through "FUNDS;"

4. Page 1, line 23.
Strike: "prohibited"
Insert: "not for legislative business expenses"

5. Page 1, line 27 through line 28.
Strike: "**services**" on line 27
Insert: "**business expenses allowance and**"
Strike: "**FOR AUTHORIZED ACTIVITIES**"

6. Page 1, line 28 through page 2, line 16.
Strike: "(1)" on page 1, line 28 through "." on page 2, line 16
Insert: "(1)(a) Except as provided in subsections (1)(b) and (1)(c), each legislator is entitled to a gross amount of $4,620 in a biennium for legislative business expenses. The legislative services division shall withhold applicable state and federal taxes from the amount as provided by law.

(b) Except as provided in subsection (1)(c), a legislator appointed to fill a vacancy during a term is entitled to the amount in subsection (1) prorated over the 24-month term.

(c) The legislative services division shall provide each legislator with a reasonable opportunity to decline the allowance for legislative business expenses before it is paid to the legislator. A legislator may decline the allowance before it is paid.

(d) A legislator receiving funds under this subsection (1) is responsible for:

(i) keeping sufficiently detailed records concerning how the funds are spent; and

(ii) maintaining the records pursuant to the applicable document retention schedule."

7. Page 2, line 17.
Following: "(2)"
Insert: "(a)"
Strike: "(4) and (5)"
Insert: "(2)(c) and (2)(d)"

8. Page 2, line 18.
Strike: "(3)"
Insert: "(2)(b)"

9. Page 2, line 20.
Strike: "authorized activities"
Insert: "legislative business"

10. Page 2, line 22.
Strike: "(3)"
Insert: "(b)"
Following: "under"
Insert: "this"

11. Page 2, line 23.
Strike: "(a)"
Insert: "(i)"

12. Page 2, line 24.
Strike: "(b)"
Insert: "(ii)"

13. Page 2, line 25.
Strike: "(c)"
Insert: "(iii)"

14. Page 2, line 26.
Strike: "(d)"
Insert: "(iv)"

15. Page 3, line 2.
Strike: "(4)"
Insert: "(c)"
Strike: "SECTION"
Insert: "subsection (2)"

16. Page 3, line 6.
Strike: "Any" through "withholding."

17. Page 3, line 7.
Strike: "(5)"
Insert: "(d)"

18. Page 3, line 9 through line 12.
Strike: subsection (6) in its entirety

19. Page 3, line 13.
Strike: "(7)(a)" through "include"
Insert: "(3) "Legislative business" includes"

20. Page 3, line 16 through page 4, line 3.
Strike: subsection (7)(b) in its entirety

21. Page 4, line 4.
Strike: "(8)"
Insert: "(4)"

And, as amended, be concurred in.

HB 172, be amended as follows:
NEW AMENDMENT:

Title. Page 1, Line 7
Following: "EFFECTIVE DATE"
Insert: "AND A TERMINATION DATE"

1. Page 2, line 3.
Strike: "BUDGET" through "OFFICES"
Insert: "annual appropriation for the grant program"

2. Page 2, line 5 through line 6.
Strike: "THE STATE" on line 5 through "AMOUNT" on line 6
Insert: "all counties participating in the grant program and rounding to the nearest whole dollar amount. The number of veterans residing in a county is determined using the most recent data reported by the U.S. department of veterans affairs."

3. Page 2, line 20.
Following: "members"
Insert: "and may not be used for any other purpose"

4. Page 3, line 15 through line 23.
Strike: section 3 in its entirety
Insert: "NEW SECTION. **Section 3. Appropriation.** The following money is appropriated from the general fund to the department of military affairs for grants awarded to county and multicounty veterans' service offices as provided for in [section 2]:

Fiscal year 2020	$30,000
Fiscal year 2021	$30,000"

5. Page 3, line 29.
Following: line 28
Insert: "NEW SECTION. **Section 6. Termination.** [This act] terminates June 30, 2021."

And, as amended, be concurred in.

HB 181, be concurred in.
HB 260, be amended as follows:

1. Title, page 1, line 4.
Following: "EXEMPTING"
Insert: "CERTAIN"

2. Page 3, line 11.
Following: "part 1"
Insert: ", when the total contract value is $10,000 or less"

And, as amended, be concurred in.

HB 482, be concurred in.
HB 506, be amended as follows:

1. Title, page 1, line 9.
Following: "TERM"
Insert: "OR A PORTION OF THEIR TERM"

2. Page 2, line 13.
Following: "term"
Insert: "or a portion of the term"

And, as amended, be concurred in.

HB 524, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 1, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Monday, April 1, 2019, I signed the following bills:

Senate Bill 72 -- Sesso
Senate Bill 85 -- Fitzpatrick
Senate Bill 248 -- Cohenour

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

HB 673, introduced by D. Zolnikov, requiring adoption by an affirmative roll call vote of **two-thirds of all the members of the Legislature**, passed the House and was transmitted to the Senate with the following vote:

4/1/2019

Yeas - 55
Nays - 44

HB 8, introduced by J. Keane, requiring adoption by an affirmative roll call vote of **three-fourths of each house of the Legislature**, passed the House and was transmitted to the Senate with the following vote:

4/1/2019

Yeas - 95
Nays - 4

House bills passed and transmitted to the Senate for concurrence: 4/1/2019

HB 528, introduced by F. Moore
HB 532, introduced by B. Mercer
HB 555, introduced by D. Lenz
HB 607, introduced by J. Bachmeier
HB 632, introduced by J. Bahr
HB 656, introduced by J. Krautter
HB 660, introduced by J. Krautter
HB 676, introduced by D. Skees
HB 680, introduced by T. Moore
HB 696, introduced by J. Karjala
HB 710, introduced by K. Sullivan
HB 720, introduced by D. Zolnikov
HB 722, introduced by S. Gunderson
HB 726, introduced by M. Caferro
HB 727, introduced by E. Buttrey
HB 731, introduced by M. Noland
HB 733, introduced by G. Hertz
HB 745, introduced by A. Olsen

HB 748, introduced by J. Bahr
HB 749, introduced by D. Zolnikov
HB 751, introduced by W. Curdy
HB 753, introduced by D. Lenz
HB 754, introduced by S. Vinton
HB 757, introduced by D. Harvey
HB 764, introduced by D. Loge
HB 766, introduced by B. Hamlett
HB 773, introduced by M. Regier
HB 774, introduced by J. Windy Boy

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 8, introduced by J. Keane (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.
HB 528, introduced by F. Moore, referred to Agriculture, Livestock and Irrigation.
HB 532, introduced by B. Mercer, referred to Judiciary.
HB 555, introduced by D. Lenz, Z. Brown, M. Caferro, S. Fitzpatrick, L. Jones, K. Kelker, M. MacDonald, S. Malek, A. Olsen, G. Pierson, W. Sales, D. Salomon, D. Sands, R. Webb, T. Welch, referred to Public Health, Welfare and Safety.
HB 607, introduced by J. Bachmeier, referred to Agriculture, Livestock and Irrigation.
HB 632, introduced by J. Bahr, B. Bessette, S. Morigeau, A. Olsen, T. Runningwolf, B. Smith, S. Stewart Peregoy, S. Webber, J. Windy Boy, referred to Business, Labor, and Economic Affairs.
HB 656, introduced by J. Krautter, D. Ankney, K. Bogner, A. Doane, M. Dunwell, S. Hinebauch, J. Kassmier, R. Knudsen, T. Richmond, B. Smith, D. Zolnikov, referred to Taxation.
HB 660, introduced by J. Krautter, F. Anderson, D. Barrett, B. Bennett, C. Boland, G. Custer, K. Dudik, M. Dunwell, J. Ellis, D. Fern, S. Fitzpatrick, P. Flowers, M. Funk, F. Garner, J. Gross, D. Harvey, K. Holmlund, L. Jones, J. Keane, K. Kelker, E. Kerr-Carpenter, D. Loge, M. MacDonald, S. Malek, E. McClafferty, M. McNally, J. Pomnichowski, C. Pope, D. Salomon, D. Sands, J. Sesso, R. Shaw, J. Small, C. Smith, M. Sweeney, G. Vuckovich, S. Webber, T. Welch, K. White, T. Woods, referred to Public Health, Welfare and Safety.
HB 673, introduced by D. Zolnikov, A. Redfield, referred to Taxation.
HB 676, introduced by D. Skees, referred to State Administration.
HB 680, introduced by T. Moore, G. Pierson, referred to Public Health, Welfare and Safety.
HB 696, introduced by J. Karjala, J. Bachmeier, J. Bahr, B. Bessette, L. Bishop, Z. Brown, J. Cohenour, W. Curdy, K. Dudik, M. Dunwell, R. Farris-Olsen, D. Fern, S. Fitzpatrick, J. Fuller, M. Funk, J. Hamilton, B. Hamlett, D. Harvey, K. Holmlund, C. Keogh, E. Kerr-Carpenter, J. Krautter, J. Krotkov, R. Lynch, S. Morigeau, A. Olsen, R. Peppers, Z. Perry, G. Pierson, C. Pope, T. Runningwolf, M. Ryan, W. Sales, C. Schreiner, R. Shaw, B. Smith, F. Smith, S. Stewart Peregoy, M. Sweeney, M. Weatherwax, T. Winter, T. Woods, referred to Public Health, Welfare and Safety.
HB 710, introduced by K. Sullivan, K. Abbott, D. Ankney, J. Bahr, B. Bessette, C. Boland, E. Buttrey, J. Cohenour, W. Curdy, K. Dudik, J. Ellis, P. Flowers, J. Gross, D. Harvey, B. Hoven, J.

Kassmier, J. Keane, B. Keenan, J. Krautter, M. Lang, D. Loge, S. Morigeau, C. Pope, T. Richmond, D. Salomon, D. Sands, R. Shaw, J. Small, C. Smith, R. Webb, D. Zolnikov, referred to Public Health, Welfare and Safety.
HB 720, introduced by D. Zolnikov, referred to Business, Labor, and Economic Affairs.
HB 722, introduced by S. Gunderson, referred to Natural Resources.
HB 726, introduced by M. Caferro, J. Bachmeier, referred to Public Health, Welfare and Safety.
HB 727, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.
HB 731, introduced by M. Noland, D. Bartel, M. Blasdel, T. Moore, A. Olszewski, V. Ricci, referred to Business, Labor, and Economic Affairs.
HB 733, introduced by G. Hertz, referred to Taxation.
HB 745, introduced by A. Olsen, D. Zolnikov, referred to Judiciary.
HB 748, introduced by J. Bahr, B. Bessette, S. Morigeau, A. Olsen, R. Peppers, T. Runningwolf, M. Ryan, F. Smith, S. Stewart Peregoy, M. Weatherwax, S. Webber, J. Windy Boy, referred to Highways and Transportation.
HB 749, introduced by D. Zolnikov, referred to Judiciary.
HB 751, introduced by W. Curdy, referred to Business, Labor, and Economic Affairs.
HB 753, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HB 754, introduced by S. Vinton, J. Bachmeier, referred to Education and Cultural Resources.
HB 757, introduced by D. Harvey, referred to Business, Labor, and Economic Affairs.
HB 764, introduced by D. Loge, J. Krautter, C. Pope, A. Redfield, referred to Highways and Transportation.
HB 766, introduced by B. Hamlett, referred to State Administration.
HB 773, introduced by M. Regier, referred to Finance and Claims.
HB 774, introduced by J. Windy Boy, M. Caferro, referred to Education and Cultural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Osmundson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 5 - **House Amendments** - Senator Sands moved House amendments to **SB 5** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 158 - **House Amendments** - Senator Vance moved House amendments to **SB 158** be concurred in. Motion **failed** as follows:

Yeas: Blasdel, Bogner, Cuffe, Fitzpatrick, Gauthier, Gillespie, Gross, Hoven, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Welborn, Mr President.
Total 21

Nays: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Flowers, Hinebauch, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Webb, Webber.
Total 28

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 233 - Senator Sands moved **HB 233** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Barrett, Bennett, MacDonald, McConnell.
Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 244 - Senator Bennett moved **HB 244** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Mr President.
Total 46

Nays: Esp, Vance, Welborn.
Total 3

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 245 - Senator Bennett moved **HB 245** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Mr President.
Total 45

Nays: Brown, Esp, Vance, Welborn.
Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 328 - Senator Esp moved **HB 328** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 331 - Senator R. Webb moved **HB 331** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Blasdel, Brown, Cuffe, Vance.
Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 324 - Senator Lang moved **HB 324** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Cuffe, Flowers, Vance.
Total 3

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 537 - Senator Howard moved **HB 537** be concurred in. Motion carried as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 28

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 231 - Senator Olszewski moved **HB 231** be concurred in.

HB 231 - Senator Olszewski moved **HB 231**, second reading copy, be amended as follows:

1. Page 6, line 27.
Following: "TETANUS,"
Strike: "AND"

Following: "DIPTHERIA"
Insert: ", AND PERTUSSIS"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Mr President.
Total 46

Nays: Smith C, Vance, Welborn.
Total 3

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 231 - As amended, **HB 231** was concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, Olszewski, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 35

Nays: Ankney, Bogner, Boland, Brown, Cohenour, McClafferty, McNally, Osmundson, Pomnichowski, Regier, Smith C, Vance, Welborn, Mr President.
Total 14

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 502 - Senator Gross moved **HB 502** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 14 - Senator Cohenour moved **HJ 14** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 27

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Olszewski, Osmundson, Pomnichowski, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 22

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 126 - Senator Tempel moved **HB 126** be concurred in.

HB 126 - Senator Tempel moved **HB 126**, second reading copy, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND"

Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 2, line 19.
Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2019."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Esp, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 33

Nays: Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Olszewski, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 16

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 126 - As amended, **HB 126** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 30

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Keenan, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 19

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 319 - Senator Ellis moved **HB 319** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 44

Nays: Blasdel, Cuffe, Olszewski, Regier, Welborn.
Total 5

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 204 - Senator Bennett moved **HB 204** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 30

Nays: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Howard, Keenan, Lang, Olszewski, Regier, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 19

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 604 - Senator Sands moved **HB 604** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips,

Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Cuffe, Esp, Keenan, Regier.
Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 20 - Senator Thomas moved consideration of **HJ 20** be passed for the day. Without objection, so ordered.

HJ 24 - Senator F. Smith moved **HJ 24** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 27 - Senator Bennett moved **HJ 27** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 41 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 29

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 20

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 150 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 257 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson,

Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Brown.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 267 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 285 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 325 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Vote totals include change of vote from Yes to No by Senator Flowers under Motions.

HB 347 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Bennett, Cohenour, Pomnichowski.
Total 3

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 357 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 461 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 463 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 476 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 34

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Keenan, MacDonald, Malek, McClafferty, McConnell, Pomnichowski, Sands, Sesso, Webber.
Total 15

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 487 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 18

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 497 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 21

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 584 failed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, McConnell, McNally, Sesso, Small, Smith F, Vuckovich, Webber.
Total 20

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 18 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber, Welborn.
Total 19

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Senator Flowers moved to change his third-reading vote on **HB 325** from Yes to No. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, April 3, 2019, the sixty-ninth legislative day. Motion carried.

Senate adjourned at 2:07 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 3, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Olszewski. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Fielder excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/3/2019
Correctly printed: **SR 46**, **HB 148**, **HB 181**, **HB 204**, **HB 233**, **HB 244**, **HB 245**, **HB 319**, **HB 324**, **HB 328**, **HB 331**, **HB 369**, **HB 473**, **HB 482**, **HB 502**, **HB 524**, **HB 537**, **HB 543**, **HB 549**, **HB 558**, **HB 561**, **HB 567**, **HB 578**, **HB 583**, **HB 591**, **HB 604**, **HB 615**, **HJ 14**, **HJ 24**, **HJ 27**.
Correctly engrossed: **HB 22**, **HB 221**, **HB 580**.
Correctly enrolled: **SB 101**, **SB 115**, **SB 130**, **SB 148**, **SB 150**, **SB 212**.
Transmitted to the House: **SB 158**, **HB 41**, **HB 150**, **HB 257**, **HB 267**, **HB 285**, **HB 325**, **HB 347**, **HB 357**, **HB 461**, **HB 463**, **HB 476**, **HB 487**, **HB 497**, **HJ 18**.
Signed by the Secretary of the Senate at 3:50 p.m., April 2, 2019: **SB 119**, **SB 157**, **SB 226**, **SB 275**, **SB 288**, **SB 295**, **SB 310**.
Signed by the President at 9:00 a.m., April 3, 2019: **SB 119**, **SB 157**, **SB 226**, **SB 275**, **SB 288**, **SB 295**, **SB 310**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 4/2/2019
HB 221, be amended as follows:

1. Page 4, line 6 through line 7.
Following: "examination" on line 6
Strike: "," on line 6 through "department," on line 7

And, as amended, be concurred in.

HB 332, be concurred in.
HJ 28, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/3/2019
HB 376, be concurred in.
HB 416, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/2/2019
HB 22, be amended as follows:

1. Title, line 9.
Following: "~~RESOURCES;~~"
Insert: "PROHIBITING THE PUBLIC SERVICE COMMISSION FROM SPECIFYING CONTRACT LENGTHS OR ECONOMIC LIVES FOR CERTAIN ELECTRICITY SUPPLY RESOURCES BASED ON QUALIFYING SMALL POWER PRODUCTION FACILITY CONTRACTS;"

2. Page 1, line 19.
Strike: "20"
Insert: "15"

3. Page 2.
Following: line 30
Insert: "(7) The commission may not use a decision setting the contract length for a qualifying small power production facility as the basis for establishing or modifying the contract length for a utility-owned asset or an asset contracted by a utility under a power purchase agreement."

And, as amended, be concurred in.

HB 356, be concurred in.
HB 456, be concurred in.
HB 535, be concurred in.

FISH AND GAME (Hinebaugh, Vice Chair) 4/2/2019
HB 224, be concurred in.
HB 397, be concurred in.
HB 585, be concurred in.
HJ 17, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/2/2019
HB 580, be amended as follows:

1. Page 1, line 21.
Following: "(ii) the"
Insert: "initial"
Following: "~~centerline~~"
Strike: "rumbles"
Insert: "rumble"

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 4/3/2019
HB 111, be concurred in.
HB 173, be amended as follows:

1. Page 2, line 12.
Following: "PERPETRATOR IS"
Insert: "not a student of an elementary, middle, junior high, or high school and is"
Strike: "THAT"
Insert: "any"

2. Page 2, line 12 through line 13.
Following: "WHO"
Strike: remainder of line 12 through "STUDENTS" on line 13
Insert: "has ever had instructional, supervisory, disciplinary, or other authority over the student in a school setting"

3. Page 2, line 21 through line 23.
Following: "OTHER"
Insert: "."
Strike: remainder of line 21 through line 23

4. Page 4, line 15.
Following: "PERPETRATOR IS"
Insert: "not a student of an elementary, middle, junior high, or high school and is"
Strike: "THAT"
Insert: "any"

5. Page 4, line 15 through line 16.
Following: "WHO"
Strike: remainder of line 15 through "STUDENTS" on line 13
Insert: "has ever had instructional, supervisory, disciplinary, or other authority over the student in a school setting"

6. Page 4, line 23 through line 25.
Following: "OTHER"
Insert: "."
Strike: remainder of line 23 through line 25

And, as amended, be concurred in.

HB 302, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/2/2019

SB 101, introduced by K. Regier
SB 115, introduced by D. Kary
SB 130, introduced by D. Salomon
SB 148, introduced by B. Bennett
SB 150, introduced by B. Bennett
SB 212, introduced by S. Webber

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/2/2019

SB 73, introduced by S. Hinebauch
SB 116, introduced by D. Salomon
SB 134, introduced by D. Brown

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

4/2/2019

SJ 3, introduced by F. Thomas

Senate amendments to House bill concurred in: 4/2/2019

HB 601, introduced by J. Fuller

HB 268 - The House failed to concur in Senate amendments to **HB 268,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 268:**

4/2/2019

Representative Greef, Vice Chair
Representative Doane
Representative Farris-Olsen

Conference Committee Report No.1 adopted: 4/2/2019

HB 205, introduced by R. Shaw

House joint resolutions passed and transmitted to the Senate for concurrence: 4/3/2019

HJ 16, introduced by C. Pope
HJ 38, introduced by D. Zolnikov

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 16, introduced by C. Pope, referred to Highways and Transportation.
HJ 38, introduced by D. Zolnikov, G. Custer, N. Duram, D. Hayman, A. Olsen, C. Pope, D. Skees, S. Stewart Peregoy, K. Sullivan, D. Zolnikov, referred to Energy and Telecommunications.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McConnell in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 295 - Senator Salomon moved **HB 295** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn, Mr President.
Total 41

Nays: Esp, Hinebauch, Keenan, Lang, Olszewski, Regier, Vance, Webb.
Total 8

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 344 - Senator Malek moved **HB 344** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 24

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 25

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 344 - Majority Leader Thomas moved **HB 344** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 21

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 523 - Senator Ellsworth moved **HB 523** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 35

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Olszewski, Osmundson, Smith C, Vance, Mr President.
Total 14

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 576 - Senator Salomon moved **HB 576** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber.
Total 35

Nays: Blasdel, Brown, Esp, Hinebauch, Howard, Kary, Keenan, Olszewski, Osmundson, Smith C, Vance, Webb, Welborn, Mr President.
Total 14

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 3 - Senator Osmundson moved **HB 3** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Bennett, Brown, Esp, Hinebauch, Keenan, Vance, Mr President.
Total 7

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 262 - Senator Osmundson moved **HB 262** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 40

Nays: Bennett, Boland, Cohenour, Gross, MacDonald, Malek, McNally, Pomnichowski, Vuckovich.
Total 9

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 281 - Senator Jacobson moved **HB 281** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Ellis, Flowers, Gross, MacDonald, Malek, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 17

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 428 - Senator Small moved **HB 428** be concurred in.

HB 428 - Senator Small moved **HB 428**, second reading copy, be amended as follows:

1. Title, page 1, line 9.
Strike: "AND A TERMINATION DATE"

2. Page 1, line 14 through line 16.
Strike: "AND MUST" on line 14 through "LAW ENFORCEMENT" on line 16

3. Page 3, line 3.
Strike: section 8 in its entirety

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webber.
Total 35

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Hinebauch, Howard, Keenan, Lang, Regier, Vance, Webb, Welborn, Mr President.
Total 14

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 428 - As amended, **HB 428** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber.
Total 32

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Hinebauch, Howard, Keenan, Lang, Osmundson, Regier, Smith C, Tempel, Vance, Webb, Welborn, Mr President.
Total 17

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 633 - Senator Cuffe moved **HB 633** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 638 - Senator Salomon moved **HB 638** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 43

Nays: Brown, Esp, Hinebauch, Vance, Welborn, Mr President.
Total 6

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 639 - Senator Lang moved **HB 639** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard,

Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 16 - Senator Barrett moved **HB 16** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 35

Nays: Ankney, Blasdel, Bogner, Ellsworth, Esp, Fitzpatrick, Hinebauch, Kary, Lang, Osmundson, Smith C, Vance, Welborn, Mr President.
Total 14

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 288 - Senator Barrett moved **HB 288** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 40

Nays: Cuffe, Esp, Howard, Kary, Osmundson, Smith C, Vance, Welborn, Mr President.
Total 9

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 292 - Senator Ankney moved **HB 292** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 394 - Senator Hoven moved **HB 394** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 33

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Gross, MacDonald, Malek, McClafferty, McConnell, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 16

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 489 - Senator Hoven moved **HB 489** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 37

Nays: Barrett, Bennett, Cohenour, Ellis, Gross, MacDonald, Malek, McConnell, McNally, Pomnichowski, Sands, Vuckovich.
Total 12

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 514 - Senator Barrett moved **HB 514** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.

Total 0

HB 527 - Senator Cohenour moved **HB 527** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Brown, Hinebauch, Olszewski, Regier.
Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator McConnell moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Kary.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 5 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 204 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 28

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 21

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 233 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Barrett, Bennett, Jacobson, MacDonald, McConnell, Pomnichowski, Sesso.
Total 7

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 244 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Esp, Jacobson, Vance.
Total 3

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 245 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson,

Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Mr President.
Total 45

Nays: Esp, Jacobson, Vance, Welborn.
Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 319 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber.
Total 37

Nays: Blasdel, Bogner, Brown, Cuffe, Keenan, Olszewski, Osmundson, Regier, Smith C, Webb, Welborn, Mr President.
Total 12

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 324 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Vance.

Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 328 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 331 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 37

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Keenan, Regier, Smith C, Vance, Mr President.
Total 12

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 481 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Ellsworth, Fitzpatrick, Flowers, Gauthier, Hinebauch, Hoven, Howard, Kary, Lang, Malek, McClafferty, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Bennett, Boland, Cohenour, Cuffe, Ellis, Esp, Gillespie, Gross, Jacobson, Keenan, MacDonald, McConnell, McNally, Pomnichowski, Sands, Smith F, Tempel, Vuckovich, Webber.
Total 19

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 520 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Ellis, Malek, Pomnichowski.
Total 3

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 502 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 537 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Webber.
Total 20

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 604 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang,

MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Mr President.
Total 41

Nays: Blasdel, Cuffe, Esp, Keenan, Osmundson, Regier, Webb, Welborn.
Total 8

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 617 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 14 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Richmond, Salomon, Sands, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 36

Nays: Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Olszewski, Osmundson, Pomnichowski, Regier, Sesso, Smith C.
Total 13

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 24 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 27 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Howard.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved to appoint a Conference Committee and request the House to appoint a like committee to confer on **SB 158**. Motion carried. President Sales appointed:

Senator Vance, Chair
Senator Blasdel
Senator Sands

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee to confer on **HB 268**. Motion carried. President Sales appointed:

Senator Regier, Chair
Senator Esp
Senator MacDonald

Majority Leader Thomas moved that **HB 292** and **HB 295**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Senator Gross moved the Senate reconsider its third-reading action on **HB 584** and place it on third reading the next legislative day. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Kary, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Mr President.
Total 29

Nays: Ankney, Brown, Cuffe, Esp, Hinebauch, Hoven, Howard, Keenan, Lang, MacDonald, Malek, Olszewski, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 20

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Senator D. Brown arose on a point of personal privilege to point out there is no town in Montana named Huckleberryville.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 8:00 a.m., Thursday, April 4, 2019, the seventieth legislative day. Motion carried.

Senate adjourned at 2:32 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SEVENTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 4, 2019 — State Capitol

Senate convened at 8:00 a.m. President Sales presiding. Invocation by Senator Howard. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present. Senators Fielder and Hoven excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/4/2019
Correctly printed: **HB 3**, **HB 16**, **HB 48**, **HB 111**, **HB 224**, **HB 262**, **HB 281**, **HB 288**, **HB 292**, **HB 295**, **HB 302**, **HB 332**, **HB 356**, **HB 376**, **HB 394**, **HB 397**, **HB 416**, **HB 456**, **HB 489**, **HB 514**, **HB 523**, **HB 527**, **HB 535**, **HB 576**, **HB 585**, **HB 633**, **HB 638**, **HB 639**, **HJ 17**, **HJ 28**.
Correctly engrossed: **HB 173**, **HB 286**, **HB 428**, **HB 662**, **HB 669**, **HB 684**, **HB 688**.
Examined by the sponsor and found to be correct: **SB 101**, **SB 115**, **SB 130**, **SB 148**, **SB 150**, **SB 212**.
Transmitted to the House: **HB 204**, **HB 233**, **HB 244**, **HB 245**, **HB 319**, **HB 324**, **HB 328**, **HB 331**, **HB 481**, **HB 502**, **HB 520**, **HB 537**, **HB 604**, **HB 617**, **HJ 14**, **HJ 24**, **HJ 27**.
Signed by the Speaker at 5:00 p.m., April 3, 2019: **SB 64**, **SB 88**, **SB 261**, **SB 274**.
Delivered to the Governor at 10:17 a.m., April 4, 2019: **SB 64**, **SB 88**, **SB 261**, **SB 274**.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 4/3/2019
SR 47, be adopted.

FINANCE AND CLAIMS (Osmundson, Chair): 4/3/2019
HB 6, be concurred in.
HB 7, be concurred in.
HB 9, be concurred in.
HB 11, be concurred in.
HB 662, be amended as follows:

1. Title, page 1, line 5.
Following: "SECTION E;"
Insert: "REVISING ALLOCATION OF APPROPRIATIONS FOR K-12 CAREER AND VOCATIONAL/TECHNICAL EDUCATION;"
Following: "TRANSFERS;"
Insert: "AMENDING SECTION 20-7-305, MCA;"

2. Page 1.
Following: line 11

Insert: "Section 2. Section 20-7-305, MCA, is amended to read:

"20-7-305. Funding for secondary K-12 career and vocational/technical education programs -- application -- rules. (1) The superintendent of public instruction shall annually distribute money from the biennial appropriation for secondary K-12 career and vocational/technical education. The money must be allocated to:

(a) high school districts providing approved secondary K-12 career and vocational/technical education programs in accordance with ~~this section and~~ 20-7-306 and this section; and

(b) career and technical student organizations for grants in accordance with 20-7-320.

(2) A high school district providing secondary K-12 career and vocational/technical education programs shall apply to the superintendent of public instruction for funds available under ~~this section and~~ 20-7-306 and this section. The superintendent of public instruction shall by rule prescribe the method for distribution, the form of the application, budget procedures, and accounting rules for the funds. The superintendent of public instruction may prescribe other requirements for the receipt of funding consistent with Title 20, chapter 7, part 3.

(3) A secondary K-12 career and vocational/technical education program in a high school district may not be funded until that program has been offered by the school district for 1 school year.

(4) As used in ~~this section and~~ 20-7-306 and this section the term "school district" means a district organized for the purpose of providing educational services for grades 9 through 12, but the term does not include postsecondary vocational education centers.""

Renumber: subsequent sections

And, as amended, be concurred in.

HB 669, be amended as follows:

1. Title, page 1, line 6.
Following: "ACCOUNTS;"
Insert: "ALLOWING THE GOVERNOR TO AUTHORIZE A SUPPLEMENTAL APPROPRIATION TRANSFER FOR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REQUIRING THE GOVERNOR TO REPORT TO THE LEGISLATIVE FINANCE COMMITTEE;"

2. Title, page 1, line 10.
Following: "WAIVER;"
Insert: "TEMPORARILY REDUCING THE PHYSICIAN REIMBURSEMENT RATE;"
Following: "10-2-416,"
Insert: "17-7-301, 17-7-311,"

3. Title, page 1, line 11.
Following: "53-1-402,"
Insert: "53-6-125,"
Following: "DATE"
Insert: "AND A TERMINATION DATE"

4. Page 2, following line 10.
Insert: "Section 4. Section 17-7-301, MCA, is amended to read:

"17-7-301. Authorization to expend during first year of biennium from appropriation for second year -- proposed supplemental appropriation defined -- limit on second-year expenditures. (1) An agency may make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium if authorized by the general appropriations act. An agency that is not authorized in the general appropriations act to make first-year expenditures may be granted spending authorization by the approving authority upon submission and approval of a proposed supplemental appropriation to the approving authority. The proposal submitted to the approving authority must include a plan for reducing expenditures in the second year of the biennium that allows the agency to contain expenditures within appropriations. If the approving authority finds that, due to an unforeseen and unanticipated emergency, the amount actually appropriated for the first fiscal year of the biennium with all other income will be insufficient for the operation and maintenance of the agency during the year for which the appropriation was made, the approving authority shall, after careful study and examination of the request and upon review of the recommendation for executive branch proposals by the budget director, submit the proposed supplemental appropriation to the legislative fiscal analyst.

(2) The plan for reducing expenditures required by subsection (1) is not required if the proposed supplemental appropriation is:

(a) due to an unforeseen and unanticipated emergency for fire suppression;

(b) requested by the superintendent of public instruction, in accordance with the provisions of 20-9-351, and is to complete the state's funding of guaranteed tax base aid, transportation aid, or equalization aid to elementary and secondary schools for the current biennium; ~~or~~

(c) requested by the department of public health and human services when the expenditures for the approved level of medicaid benefits exceed the level of the appropriations for medicaid benefits; or

~~(c)~~(d) requested by the attorney general and:

(i) is to pay the costs associated with litigation in which the department of justice is required to provide representation to the state of Montana; or

(ii) in accordance with the provisions of 7-32-2242, is to pay costs for which the department of justice is responsible for confinement of an arrested person in a detention center.

(3) Upon receipt of the recommendation of the legislative finance committee pursuant to 17-7-311, the approving authority may authorize an expenditure during the first fiscal year of the biennium to be made from the appropriation for the second fiscal year of the biennium. Except as provided in subsection (2), the approving authority shall require the agency to implement the plan for reducing expenditures in the second year of the biennium that contains agency expenditures within appropriations.

(4) The agency may expend the amount authorized by the approving authority only for the purposes specified in the authorization.

(5) The approving authority shall report to the next legislature in a special section of the budget the amounts expended as a result of all authorizations granted by the approving authority and shall request that any necessary supplemental appropriation bills be passed.

(6) As used in this part, "proposed supplemental appropriation" means an application for authorization to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium.

(7) (a) Except as provided in subsections (2) and (7)(b), an agency may not make expenditures in the second year of the biennium that, if carried on for the full year, will require a deficiency appropriation, commonly referred to as a "supplemental appropriation".

(b) An agency shall prepare and, to the extent feasible, implement a plan for reducing expenditures in the second year of the biennium that contains agency expenditures within appropriations. The approving authority is responsible for ensuring the implementation of the plan. If, in the second year of a biennium, mandated expenditures that are required by state or federal law will cause an agency to exceed appropriations or available funds, the agency shall reduce all nonmandated expenditures pursuant to the plan in order to reduce to the greatest extent possible the expenditures in excess of appropriations or funding. An agency may not transfer funds between fund types in order to implement a plan.""

Insert: "Section 5. Section 17-7-311, MCA, is amended to read:

"17-7-311. Proposed fiscal year transfer supplemental appropriation -- procedure. (1) ~~A~~ Except as provided in subsection (6), a proposed supplemental appropriation to transfer appropriations between fiscal years of a biennium and all supporting documentation must be submitted to the legislative fiscal analyst. ~~The~~ Except as provided in subsection (6), the governor may not approve a proposed fiscal year transfer supplemental appropriation until the governor receives the legislative finance committee's written report for that proposed fiscal year transfer supplemental appropriation unless:

(a) the report is not received within 90 calendar days from the date the proposed fiscal year transfer supplemental appropriation and supporting documentation were forwarded to the legislative finance committee, in which case the governor may approve the proposed fiscal year transfer supplemental appropriation; or

(b) there has been a waiver of the review and report requirements, as provided in subsection (4).

(2) The legislative fiscal analyst shall review each proposed fiscal year transfer supplemental appropriation submitted by the governor for compliance with statutory requirements and standards and to determine the expenditures that will be reduced in order to contain spending within legislative appropriations. The legislative fiscal analyst shall present a written report of this review to the legislative finance committee. Within 10 days after the legislative finance committee's consideration of the proposed fiscal year transfer supplemental appropriation, the legislative fiscal analyst shall submit the legislative finance committee's report to the governor.

(3) Upon receipt of the legislative finance committee's written report, the governor may approve or deny the proposed fiscal year transfer supplemental appropriation or may return the proposed fiscal year transfer supplemental appropriation to the requesting agency for further information. If the governor has returned the proposed fiscal year transfer supplemental appropriation to the requesting agency and the requesting agency resubmits the proposed fiscal year transfer supplemental appropriation to the governor, all procedures provided in this section apply to the resubmitted proposed fiscal year transfer supplemental appropriation.

(4) (a) If an emergency occurs that poses a serious threat to the life, health, or safety of the public, the legislative fiscal analyst may waive the written review and the legislative finance committee's written report required by this section. After a waiver, the legislative fiscal analyst may complete the written review.

(b) Upon receipt of the waiver, the governor may approve the proposed fiscal year transfer supplemental appropriation.

(c) A waiver affects only the legislative fiscal analyst's written review and the legislative finance committee's written report on the proposed fiscal year transfer supplemental appropriation. All other proposed fiscal year transfer supplemental appropriation requirements and standards remain in effect.

(5) Nothing in this part confers on the legislative finance committee authority to approve or deny a proposed fiscal year transfer supplemental appropriation.

(6) For the biennium beginning July 1, 2019, the provisions of this section do not apply to a supplemental appropriation transfer for the department of public health and human services if the expenditures for the approved level of medicaid benefits exceed the level of the appropriations for medicaid benefits. Prior to approving a supplemental appropriation transfer for the department in that circumstance, the governor shall notify the legislative fiscal analyst in writing and shall subsequently report to the legislative finance committee on the dollar amount of the supplemental appropriation by September 30, 2020.""

Renumber: subsequent sections

5. Page 5.
Following: line 1
Insert: "Section 8. Section 53-6-125, MCA, is amended to read:

"53-6-125. Physician services reimbursement. (1) The fee for a covered service provided by a physician under the medicaid program is determined by multiplying the conversion factor times the relative value unit for that service times any applicable policy adjusters.

(2) (a) For fiscal years 2018 and 2019, the conversion factor must be increased, at a minimum, by the same numerical inflation factor calculated in accordance with 20-9-326.

(b) For each subsequent fiscal year, the conversion factor must be increased, at a minimum, by the same percentage increase as the consumer price index for medical care for the previous year, as calculated by the bureau of labor statistics of the United States department of labor.

(3) For the biennium beginning July 1, 2019, the amount of reimbursement calculated under this section each fiscal year is reduced to fund the development of health information exchange by the following amounts:

(a) for the fiscal year beginning July 1, 2019, $200,000; and

(b) for the fiscal year beginning July 1, 2020, $400,000.""

Renumber: subsequent sections

6. Page 5.
Following: line 27
Insert: "NEW SECTION. **Section 13. Termination.** [Sections 4, 5, and 8] terminate June 30, 2021. "

And, as amended, be concurred in.

HB 684, be amended as follows:

1. Title, page 1, line 13.
Following: "STAKEHOLDERS;"

Insert: "REVISING RULEMAKING AUTHORITY REGARDING CORRECTIONAL FACILITIES;"

2. Title 1, page 15.
Strike: "AND"
Following: "53-6-1312,"
Insert: "AND 53-30-507,"

3. Page 2, line 22.
Strike: line 22

4. Page 5, line 11.
Following: "treatment;"
Strike: "or"

5. Page 5, line 12.
Following: "2-17-506"
Strike: "."
Insert: "; or"

6. Page 5.
Following: line 12
Insert: "(C) employees who are medical professionals involved in medical evaluations and treatment."

7. Page 12.
Following: line 21
Insert: "Section 14. Section 53-30-507, MCA, is amended to read:

"53-30-507. Rulemaking authority. (1) The department may adopt rules to implement this part, including rules for the determination of how sites are to be chosen for regional correctional facilities. The rules must provide that in selecting a site, the department shall consider the need for a regional correctional facility in the area, the ability and willingness of a local governmental entity or a corporation to enter into a long-term contract with the department, and the availability of rehabilitative services to inmates. The rules must require that a corporation respond to a request for proposals prepared by the department for a regional correctional facility before a contract may be entered with that corporation.

(2) The department shall adopt rules that include the minimum applicable standards for the construction, operation, and physical condition of a state correctional facility portion of a regional correctional facility and for the security, safety, health, treatment, and discipline of persons confined in a state correctional facility portion of a regional correctional facility. The rules must require that a privately operated or privately owned and operated state correctional facility portion of a regional correctional facility conform to applicable American correctional association and national commission on correctional health care standards.

(3) (a) The department shall adopt rules pursuant to Title 2, chapter 4, that specify a per diem rate that must be paid to a regional correctional facility for the confinement of persons in the state correctional facility portion of the regional correctional facility.

(b) The rules adopted pursuant to subsection (3)(a) must include but are not limited to:

(i) a definition of per diem rate;

(ii) a method of calculating the per diem rate; and

(iii) the costs to be included in the per diem rate calculation.

(c) At a minimum, the per diem rate must include compensation for:

(i) direct costs, including budget expenditures directly attributable to confining inmates;

(ii) indirect costs, including budget expenditures that are not directly associated with the confinement of inmates but that are incurred to provide support services for the regional correctional facility, not to exceed 3% annually;

(iii) capital costs, ~~including depreciation or a pro rata portion of capital costs incurred; and~~ limited to the following use allowances:

(A) for buildings and improvements, not to exceed 2% of acquisition cost for no more than 40 years; and

(B) for equipment with an individual acquisition cost of $5,000 or more, not to exceed 6 2/3% of acquisition cost for no more than 15 years; and

(iv) other costs that the department determines are necessary, including medical or transportation costs.

(d) The department shall determine by rule the costs that are not allowable as part of a per diem rate. Unallowable costs must include programs and services that do not have a direct benefit to persons confined in the regional correctional facility and depreciation for capital improvements paid for by the department and depreciation for equipment used in providing support services.

(e) A population factor must be included in the per diem rate to allow for accurate compensation based on the number of inmates confined in the regional correctional facility.

(f) The rules must provide for billing procedures and must allow for review of the per diem rate at least once each fiscal year. When reviewing the per diem rate, the department shall accept public comment that must be considered when the department is determining the accuracy of the per diem rate for the next fiscal year.

(4) ~~For the biennium beginning July 1, 2017, the department may pay to a regional correctional facility no more than the rate it paid to that facility on December 6, 2016.~~ Beginning July 1, 2019, the regional correctional facility and the department must mutually agree on any personal services increases or nonroutine purchases exceeding a total of $5,000 in a fiscal year.""

Renumber: subsequent sections

8. Page 13, line 5.
Following: "transfers."
Insert: "(1)"

9. Page 13, line 5 through line 6.
Strike: "make" on line 5 through "transfers" on line 6
Insert: "transfer $2,353,000 to the general fund"

10. Page 13, line 6.
Strike: ":"
Insert: "."

(2) By June 30, 2019, the state treasurer shall transfer the following amounts from the

general fund:

11. Page 13, line 7.
Strike: "(1)"
Insert: "(a)"

12. Page 13, line 9.
Strike: "(2)"
Insert: "(b)"

13. Page 13, line 10.
Strike: "."
Insert: "; and
(c) $250,000 to a state special revenue account to the credit of the state library."

14. Page 13, line 19.
Strike: "[SECTIONS 14 AND 16 THROUGH 18]"
Insert: "[Sections 15 and 17 through 19]"

And, as amended, be concurred in.

HB 688, be amended as follows:

1. Title, page 1, line 5.
Following: "TRANSFERS;"
Insert: "AMENDING SECTION 28, CHAPTER 6, SPECIAL LAWS OF NOVEMBER 2017;"

2. Page 1.
Following: line 9
Insert: "Section 1. Section 28, Chapter 6, Special Laws of November 2017, is amended to read:
"Section 28. Termination. (1) ~~[This act]~~ Except as provided in subsection (2), [this act] terminates June 30, 2019.
(2) [Section 13] terminates June 30, 2021."
Renumber: subsequent sections

3. Page 1, line 10.
Following: "transfer."
Insert: "(1)"

4. Page 1, line 10 through line 11.
Following: "transfer"
Strike: "$100" on line 10 through line 11
Insert: "to the general fund $56,852 from the state special revenue account referenced in 30-10-115(2)(a).
(2) By August 15, 2020, the state treasurer shall transfer to the general fund the following

amounts:

(a) $284,299 from the state special revenue account referenced in 33-2-708(3)(c); and

(b) $56,740 from the state special revenue account referenced in 30-10-115(2)(a)."

And, as amended, be concurred in.

LOCAL GOVERNMENT (Lang, Chair): 4/3/2019
HB 19, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 4/3/2019
HB 34, be concurred in.
HB 286, be amended as follows:

1. Page 2, line 18 through line 27.
Strike: subsection (2) through subsection (3) in their entirety
Insert: "(2) The state may not obtain an ownership interest in a water right or the ground water development works of a water right that is diverted from a well or developed spring located on private land exclusively based on trustee obligations for state trust land unless:

(a) a court of competent jurisdiction determines that the state is an owner of that particular water right; or

(b) the state is in possession of a deed transferring ownership of the water right to the state."
Renumber: subsequent subsections

2. Page 2, line 28.
Following: "acquired"
Insert: "to satisfy trustee obligations for state trust land"

3. Page 2, line 29 through line 30.
Strike: "to satisfy" on line 29 through "land" on line 30
Strike: "subsections (2) or (3)" on line 30
Insert: "subsection (2)"

And, as amended, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 4/3/2019
SR 39, be adopted.
SR 40, be adopted.
SR 41, be adopted.
SR 42, be adopted.
SR 49, be adopted.
SJ 21, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 3, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Wednesday, April 3, 2019, I signed the following bills:

Senate Bill 59--McClafferty
Senate Bill 84--Fitzpatrick
Senate Bill 144--Jacobson
Senate Bill 207--Jacobson
Senate Bill 260--Malek

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/3/2019

SB 154, introduced by S. Sales
SB 177, introduced by T. Jacobson
SB 191, introduced by D. Ankney
SB 197, introduced by J. Welborn
SB 264, introduced by J. Small
SB 270, introduced by M. McNally

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/3/2019

SB 38, introduced by M. MacDonald
SB 133, introduced by B. Gillespie
SB 268, introduced by K. Bogner
SB 276, introduced by R. Webb
SB 305, introduced by T. Gauthier

Senate bill not concurred in and returned to the Senate: 4/2/2019

SB 23, introduced by K. Regier

Senate amendments to House bills concurred in: 4/3/2019

HB 238, introduced by T. Manzella
HB 586, introduced by B. Hamlett

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 23, introduced by P. Flowers, D. Barrett, B. Bennett, K. Bogner, J. Ellis, P. Flowers, J. Gross, J. Keane, K. Kelker, M. Lang, S. Malek, N. McConnell, M. McNally, M. Phillips, J. Pomnichowski, K. Regier, W. Sales, D. Salomon, T. Woods, referred to Education and Cultural Resources.
SJ 24, introduced by D. Brown, referred to Business, Labor, and Economic Affairs.

The following House bills, previously introduced, were referred to committees:

HB 457, introduced by D. Zolnikov, B. Bennett, J. Ellsworth, D. Dunn, J. Read, K. Sullivan, referred to Judiciary.
HB 661, introduced by G. Custer, D. Ankney, referred to Highways and Transportation.
HB 715, introduced by L. Jones, N. Ballance, referred to Finance and Claims.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Pro Tempore Blasdel in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Senator Osmundson moved **HB 2** be concurred in. Senator Osmundson made opening comments and explained the process for presentation of **HB 2.**

Senators Cuffe, Fielder, Hoven, and Olszewski excused at this time.

Global Amendments

HB 2 - Senator Osmundson moved **HB 2**, second reading copy, be amended with **amendment O001** as follows:

1. Page C-2, line 17: Department of Environmental Quality.
Strike: "12,194,017 12,191,443" [State Special Fund FY20 FY21]
Insert: "11,694,017 11,691,443" [State Special Fund FY20 FY21]

2. Page C-2: Department of Environmental Quality.
Following: line 19
Insert: "b. Petroleum Tank Cleanup (Restricted/OTO)"
Insert: "500,000 500,000" [State Special Fund FY20 FY21]

3. Page D-2, line 30: Department of Justice.
Strike: line 30 in its entirety

4. Page D-4, line 21:Department of Corrections.
Strike: "77,693,562 78,222,097" [General Fund FY 20 FY 21]
Insert: "77,278,112 77,750,302" [General Fund FY 20 FY 21]

Following: line 23
Insert: "b. Provider Rate Increases"
Insert: "415,450 471,795 " [General Fund FY 20 FY 21]

5. Page E-6, line 2: Montana State Library.
Strike: "1,880,403 1,947,312" [State Special Fund FY 20 FY 21]
Insert: "1,780,403 1,797,312" [State Special Fund FY 20 FY 21]

6. Page E-6: Montana State Library.
Following: line 4
Insert: "b. Montana State Library Funding (OTO)"
Insert: "100,000 150,000" [State Special Fund FY 20 FY 21]

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: None.
Total 0

Paired: None.

Excused: Cuffe, Fielder, Hoven, Olszewski.
Total 4

Absent or not voting: None.
Total 0

Senator Olszewski present at this time.

SECTION A. General Government

Senator Lang acknowledged and thanked fellow committee members and staff then reviewed the budget of agencies in Section A: Legislative Branch, Consumer Counsel, Governor's Office, Commissioner of Political Practices, State Auditor's Office, Department of Revenue, Department of Administration, Department of Commerce, Department of Labor and Industry, and Department of Military Affairs.

Senator Hoven present at this time; Senator Fitzpatrick and President Sales excused at this time.

HB 2 - Senator Flowers moved **HB 2**, second reading copy, be amended with **amendment A001** as follows:

1. Page A-5, line 36: .
Following: "Training"
Strike: "(OTO)"

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Nays: Ankney, Blasdel, Bogner, Brown, Ellsworth, Esp, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 26

Paired: None.

Excused: Cuffe, Fielder, Fitzpatrick, Mr President.
Total 4

Absent or not voting: None.
Total 0

President Sales present at this time.

HB 2 - Senator Webber moved **HB 2**, second reading copy, be amended with **amendment A002** as follows:

1. Page A-6, line 2: .
Following: "Development"
Strike: "(OTO)"

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 22

Nays: Ankney, Blasdel, Bogner, Brown, Ellsworth, Esp, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 25

Paired: None.

Excused: Cuffe, Fielder, Fitzpatrick.
Total 3

Absent or not voting: None.
Total 0

HB 2 - Senator Webber moved **HB 2**, second reading copy, be amended with **amendment A003** as follows:

1. Page A-6, line 4: .
Following: "Biennial"
Strike: "/OTO"

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 22

Nays: Ankney, Blasdel, Bogner, Brown, Ellsworth, Esp, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 25

Paired: None.

Excused: Cuffe, Fielder, Fitzpatrick.
Total 3

Absent or not voting: None.
Total 0

HB 2 - Senator Pomnichowski moved **HB 2**, second reading copy, be amended with **amendment A004** as follows:

1. Page A-1: .
Following: line 16
Insert: "g. Constituent Services Account (Restricted)"
Insert: "290,925" [General Fund FY 20]
Following: line 31
Insert: "If HB 106 is not passed and approved, the appropriation for Constituent Services Account is void."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Gross, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 40

Nays: Esp, Hinebauch, Hoven, Keenan, Olszewski, Regier, Webb.
Total 7

Paired: None.

Excused: Cuffe, Fielder, Fitzpatrick.
Total 3

Absent or not voting: None.
Total 0

Senator Cuffe present at this time.

HB 2 - Senator Bennett moved **HB 2**, second reading copy, be amended with **amendment A005** as follows:

1. Page A-2: Secretary of State.

Following: line 24
Insert: "SECRETARY OF STATE (32010)"
Insert: "1. Business and Government Services (01)"
Insert: "a. HAVA Funds for County Elections Offices (Restricted/Biennial)"
Insert: "750,000 750,000" [Federal Special Fund FY20 FY21]
Insert: "b. HAVA Funds (Biennial)"
Insert: "750,000 750,000" [Federal Special Fund FY20 FY21]

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber.
Total 21

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 27

Paired: None.

Excused: Fielder, Fitzpatrick.
Total 2

Absent or not voting: None.
Total 0

Senator Osmundson moved **Section A** be closed. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 45

Nays: Bennett, Ellis, Webber.
Total 3

Paired: None.

Excused: Fielder, Fitzpatrick.
Total 2

Absent or not voting: None.
Total 0

Senate recessed at 8:50 a.m. and reconvened at 9:00 a.m., President Pro Tempore Blasdel in the chair.

SECTION B. Department of Public Health & Human Services

Senator Olszewski acknowledged and thanked fellow committee members and staff then reviewed the budget of the Department of Public Health & Human Services.

Senator Hoven excused at this time.

HB 2 - Senator Keenan moved **HB 2**, second reading copy, be amended with **amendment B008** as follows:

1. Page B-2, line 7: Department of Public Health and Human Services.
Strike: "33,836,377 36,212,434" [General Fund FY20 FY21]
Insert: "35,016,555 38,366,895" [General Fund FY20 FY21]

Strike: "83,729,364 90,787,884" [Federal Special Fund FY20 FY21]
Insert: "85,918,235 94,750,575" [Federal Special Fund FY20 FY21]

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Bogner, Brown, Cuffe, Ellsworth, Esp, Gauthier, Gross, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McNally, Pomnichowski, Regier, Smith C, Tempel, Webb, Welborn.
Total 23

Nays: Ankney, Blasdel, Boland, Cohenour, Ellis, Flowers, Gillespie, MacDonald, Malek, McConnell, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webber, Mr President.
Total 24

Paired: None.

Excused: Fielder, Fitzpatrick, Hoven.
Total 3

Absent or not voting: None.
Total 0

Senator Hoven present at this time.

HB 2 - Senator Kary moved **HB 2**, second reading copy, be amended with **amendment B001** as follows:

1. Page B-2, line 7: Department of Public Health and Human Services.
Strike: "33,836,377 36,212,434" [General Fund FY20 FY21]
Insert: "34,426,466 37,289,665" [General Fund FY20 FY21]

Strike: "83,729,364 90,787,884" [Federal Special Fund FY20 FY21]
Insert: "84,823,800 92,769,230" [Federal Special Fund FY20 FY21]

Amendment **not** adopted as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Cuffe, Ellsworth, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, McNally, Phillips, Pomnichowski, Regier, Richmond, Small, Smith C, Webb, Welborn, Mr President.
Total 23

Nays: Barrett, Boland, Brown, Cohenour, Ellis, Esp, Flowers, Gauthier, Gillespie, Lang, MacDonald, Malek, McClafferty, McConnell, Olszewski, Osmundson, Salomon, Sands, Sesso, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber.
Total 25

Paired: None.

Excused: Fielder, Fitzpatrick.
Total 2

Absent or not voting: None.
Total 0

HB 2 - Senator McNally moved **HB 2**, second reading copy, be amended. Senator McNally then withdrew the motion and stated she did not intend to offer additional amendments.

Senator Fitzpatrick present at this time; Senator Welborn excused at this time.

HB 2 - Senator Jacobson moved **HB 2**, second reading copy, be amended with **amendment B006** as follows:

1. Page B-1, line 26: Department of Public Health and Human Services.

Strike: "469,637,176 488,932,654" [Federal Special Fund FY20 FY21]
Insert: "474,993,793 501,353,314" [Federal Special Fund FY20 FY21]

2. Page B-1, line 28: Department of Public Health and Human Services.

Strike: "172,071,588 184,735,578" [General Fund FY20 FY21]
Insert: "174,943,261 191,453,069" [General Fund FY20 FY21]

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 28

Paired: None.

Excused: Fielder, Welborn.
Total 2

Absent or not voting: None.
Total 0

HB 2 - Senator Sands moved **HB 2**, second reading copy, be amended with **amendment B007** as follows:

1. Page B-2: Department of Public Health and Human Services.
Following: line 12
Insert: "a. Behavioral Health Peer Support Services (Biennial/OTO)"
Insert: "1,000,000 1,000,000" [State Special Fund FY20 FY21]
Insert: "1,854,696 1,839,296" [Federal Special Fund FY20 FY21]
Insert: "b. Mobile Crisis Units (Biennial/OTO)"
Insert: "250,000 250,000" [State Special Fund FY20 FY21]

2. Page B-3: Department of Public Health and Human Services.
Following: line 6
Insert: "Both Behavioral Health Peer Support Services and Mobile Crisis Units are contingent upon passage and approval of an act that amends 50-46-345 to allow for transfers for peer support services or mobile crisis units from that account and provides transfers for one or more of those items.
If SB 30 is passed and approved and provides funding for peer support services, Peer Support Services is void.
If HB 660 is passed and approved and provides funding for mobile crisis units, Mobile Crisis Units is void."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 27

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 21

Paired: None.

Excused: Fielder, Welborn.
Total 2

Absent or not voting: None.
Total 0

Senator Osmundson moved **Section B** be closed. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber.
Total 39

Nays: Bennett, Brown, Ellis, Ellsworth, Esp, Hinebauch, Olszewski, Webb, Mr President.
Total 9

Paired: None.

Excused: Fielder, Welborn.
Total 2

Absent or not voting: None.
Total 0

Senate recessed at 9:45 a.m. and reconvened at 9:58 a.m., President Pro Tempore Blasdel in the chair.

SECTION C. Natural Resources & Transportation

Senator Ankney acknowledged and thanked fellow committee members and staff then reviewed agencies in Section C: Department of Fish, Wildlife, and Parks, Department of Environmental Quality, Department of Transportation, Department of Livestock, Department of Natural Resources and Conservation, and the Department of Agriculture.

HB 2 - Senator Ankney moved **HB 2**, second reading copy, be amended with **amendment C005** as follows:

1. Page C-4, line 28: Department of Natural Resources & Conservation.
Strike: "2,559,210 2,598,116" [State Special Fund FY20 FY21]
Insert: "2,818,510 2,858,768" [State Special Fund FY20 FY21]

2. Page C-5, line 11: Department of Natural Resources & Conservation.
Strike: "18,654,509 18,662,844" [State Special Fund FY20 FY21]
Insert: "18,769,185 18,777,178" [State Special Fund FY20 FY21]

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber.
Total 33

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Smith C, Vance, Webb, Mr President.
Total 15

Paired: None.

Excused: Fielder, Welborn.
Total 2

Absent or not voting: None.
Total 0

HB 2 - Senator Ellis moved **HB 2**, second reading copy, be amended with **amendment C001** as follows:

1. Page C-1, line 24: Department of Fish, Wildlife & Parks.
Strike: "7,950,951 7,956,831" [State Special Fund FY20 FY21]
Insert: "7,985,963 7,991,014" [State Special Fund FY20 FY21]

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 27

Paired: None.

Excused: Fielder, Welborn.
Total 2

Absent or not voting: None.
Total 0

Senator Osmundson moved **Section C** be closed. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 46

Nays: Bennett, Ellis.
Total 2

Paired: None.

Excused: Fielder, Welborn.
Total 2

Absent or not voting: None.
Total 0

Senate recessed at 10:38 a.m. and reconvened at 10:58 a.m., President Pro Tempore Blasdel in the chair.

SECTION D. Judicial Branch, Law Enforcement, and Justice

Senator Howard acknowledged and thanked fellow committee members and staff then reviewed agencies in Section D: Judicial Branch, Department of Justice, Public Service Commission, Office of Public Defender, and the Department of Corrections.

Senator Welborn present at this time.

HB 2 - Senator Pomnichowski moved **HB 2**, second reading copy, be amended with **amendment D001** as follows:

1. Page D-1, line 15: Judicial Branch.
Strike: "30,524,989" [General Fund FY 21]
Insert: "30,775,585" [General Fund FY 21]

Amendment **not** adopted as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Mr President.
Total 24

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 25

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Senator Osmundson moved **Section D** be closed. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Bennett, Boland, Ellis, Mr President.

Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Senate recessed at 11:15 a.m. and reconvened at 11:22 a.m., President Pro Tempore Blasdel in the chair.

SECTION E. Education

Senator Salomon acknowledged and thanked fellow committee members and staff then reviewed agencies in Section E: Office of Public Instruction, Board of Public Education, Commissioner of Higher Education, School for the Deaf and Blind, Montana Arts Council, Montana State Library, and Montana Historical Society.

HB 2 - Senator Cohenour moved **HB 2**, second reading copy, be amended with **amendment E002** as follows:

1. Page E-6, line 11: Montana Historical Society.
Strike: "915,830 914,886" [General Fund FY20 FY21]
Strike: "38,978 40,701" [Federal Special Fund FY20 FY21]
Strike: "197,234 197,373" [Proprietary FY20 FY21]
Insert: "1,022,282 1,021,338" [General Fund FY20 FY21]
Insert: "51,439 53,162" [Federal Special Fund FY20 FY21]
Insert: "212,501 212,640" [Proprietary FY20 FY21]

2. Page E-6, line 15: Montana Historical Society.
Strike: "983,756 986,821" [General Fund FY20 FY21]
Insert: "1,132,972 1,136,037" [General Fund FY20 FY21]

3. Page E-6, line 17: Montana Historical Society.
Strike: "586,535 586,436" [General Fund FY20 FY21]
Insert: "598,432 598,333" [General Fund FY20 FY21]

4. Page E-6, line 19: Montana Historical Society.
Strike: "177,978 177,502" [General Fund FY20 FY21]
Strike: "313,478 313,612" [Proprietary FY20 FY21]
Insert: "186,599 186,123" [General Fund FY20 FY21]
Insert: "324,030 324,164" [Proprietary FY20 FY21]

5. Page E-6, line 21: Montana Historical Society.
Strike: "222,931 223,798" [General Fund FY20 FY21]
Insert: "268,028 268,895" [General Fund FY20 FY21]

6. Page E-6, line 23: Montana Historical Society.
Strike: "56,081 55,865" [General Fund FY20 FY21]
Strike: "757,657 758,721" [Federal Special Fund FY20 FY21]
Insert: "56,630 56,414" [General Fund FY20 FY21]
Insert: "768,876 769,940" [Federal Special Fund FY20 FY21]

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Flowers, Gross, Jacobson, Keenan, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Lang, Malek, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 28

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Senator Osmundson moved **Section E** be closed. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Barrett, Bennett, Boland, Cohenour, Ellis.
Total 5

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas and Minority Leader Sesso spoke about the condition of **HB 2** and the remaining work to be done.

HB 2 - As amended, **HB 2** was concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Lang, MacDonald, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Welborn.
Total 27

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Hinebauch, Jacobson, Kary, Keenan, Malek, McClafferty, Regier, Smith C, Smith F, Vance, Vuckovich, Webb, Webber, Mr President.
Total 22

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 22 - Senator Richmond moved **HB 22** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 27

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Flowers, Gross, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 22

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 54 - Senator K. Regier moved **HB 54** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Vance.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senators Cohenour, Malek and McClafferty excused at this time.

President Pro Tempure Blasdel moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, McConnell, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Keenan, McNally.
Total 2

Paired: None.

Excused: Cohenour, Fielder, Malek, McClafferty.
Total 4

Absent or not voting: None.
Total 0

Senate recessed at 12:12 p.m. and reconvened at 1:00 p.m., President Sales presiding.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Barrett in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Malek excused at this time.

HB 106 - Senator Pomnichowski moved **HB 106** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 173 - Senator Bogner moved **HB 173** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 221 - Senator Ellis moved **HB 221** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 260 - Senator Osmundson moved **HB 260** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 506 - Senator Cuffe moved **HB 506** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Mr President.
Total 1

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 580 - Senator R. Webb moved **HB 580** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cuffe, Ellis, Gauthier, Gillespie, Gross, Hoven, Keenan, Lang, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 32

Nays: Brown, Cohenour, Ellsworth, Esp, Fitzpatrick, Flowers, Hinebauch, Howard, Jacobson, Kary, MacDonald, Salomon, Smith C, Smith F, Welborn, Mr President.
Total 16

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 599 - Senator Small moved **HB 599** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Lang, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 20

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 21 - Senator Sands moved **HB 21** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Hinebauch, Howard, Kary, Lang, Tempel, Vance.
Total 6

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **HB 580**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Following discussion, Majority Leader Thomas withdrew the motion.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 3 concurred in as follows:

Yeas: Ankney, Barrett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 37

Nays: Bennett, Blasdel, Brown, Ellsworth, Esp, Keenan, Regier, Smith C, Vance, Webb, Mr President.
Total 11

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 16 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Kary, Lang, Olszewski, Osmundson, Salomon, Smith C, Tempel, Vance, Webb, Mr President.
Total 18

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 126 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, McClafferty, McConnell, McNally, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 27

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Olszewski, Osmundson, Pomnichowski, Regier, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 21

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 231 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, McConnell, Olszewski, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 30

Nays: Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Keenan, MacDonald, McClafferty, McNally, Osmundson, Pomnichowski, Regier, Smith C, Thomas, Vance, Welborn, Mr President.
Total 18

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 262 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Boland, Cohenour, Gross, MacDonald, McClafferty, Pomnichowski.
Total 6

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 281 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn,

Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Ellis, Flowers, Gross, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 16

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 288 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 34

Nays: Brown, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Osmundson, Smith C, Thomas, Vance, Welborn, Mr President.
Total 14

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 394 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 33

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Gross, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sesso, Vuckovich, Webber.

Total 15

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 489 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich.
Total 16

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 514 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Malek.

Total 2

Absent or not voting: None.
Total 0

HB 523 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 28

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Salomon, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 20

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 527 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, MacDonald, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 37

Nays: Ellsworth, Esp, Hinebauch, Keenan, Lang, Olszewski, Regier, Smith C, Tempel, Vance, Mr President.
Total 11

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 576 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 37

Nays: Brown, Esp, Hinebauch, Howard, Kary, Keenan, Osmundson, Smith C, Vance, Welborn, Mr President.
Total 11

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 633 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 638 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier,

Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 39

Nays: Blasdel, Brown, Cuffe, Esp, Hinebauch, Keenan, Smith C, Vance, Mr President.
Total 9

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 639 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

HB 584 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Kary, McConnell, McNally, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vuckovich, Webber, Welborn, Mr President.
Total 33

Nays: Brown, Esp, Hinebauch, Hoven, Howard, Keenan, Lang, MacDonald, McClafferty, Olszewski, Pomnichowski, Regier, Thomas, Vance, Webb.

Total 15

Paired: None.

Excused: Fielder, Malek.
Total 2

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced a new Page for the remainder of the week:

Helen Bovington from Helena, sponsored by Senator MacDonald

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, April 5, 2019, the seventy-first legislative day. Motion carried.

Senate adjourned at 2:04 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 5, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Blasdel. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Fielder excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/5/2019
We, your committee on Bills and Journals, having examined the daily journals for the sixty-first through the sixty-fifth legislative days, find the same to be correct.

Correctly printed: **SR 39**, **SR 40**, **SR 41**, **SR 42**, **SR 47**, **SR 49**, **SJ 21**, **SJ 23**, **SJ 24**, **HB 6**, **HB 7**, **HB 9**, **HB 11**, **HB 19**, **HB 21**, **HB 22**, **HB 34**, **HB 54**, **HB 106**, **HB 173**, **HB 221**, **HB 260**, **HB 506**, **HB 580**, **HB 599**.
Correctly engrossed: **HB 2**, **HB 52**, **HB 316**, **HB 566**, **HB 579**, **HB 590**.
Correctly enrolled: **SB 5**, **SB 41**, **SB 48**, **SB 81**, **SB 140**, **SB 151**, **SB 154**, **SB 177**, **SB 191**, **SB 197**, **SB 264**, **SB 270**.
Examined by the sponsor and found to be correct: **SB 177**, **SB 197**, **SB 264**, **SB 270**.
Transmitted to the House: **HB 3**, **HB 16**, **HB 126**, **HB 231**, **HB 262**, **HB 281**, **HB 288**, **HB 394**, **HB 489**, **HB 514**, **HB 523**, **HB 527**, **HB 576**, **HB 584**, **HB 633**, **HB 638**, **HB 639**.
Signed by the Secretary of the Senate at 8:20 a.m., April 5, 2019: **SB 101**, **SB 115**, **SB 130**, **SB 148**, **SB 150**, **SB 212**.
Signed by the President at 9:50 a.m., April 5, 2019: **SB 101**, **SB 115**, **SB 130**, **SB 148**, **SB 150**, **SB 212**.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 4/5/2019
HB 590, be amended as follows:

1. Title, page 1, line 5 through line 7.
Strike: "PROVIDING" through "MCA;"
Insert: "PROVIDING PROCEDURE FOR A DEFENDANT TO MOVE FOR AN INTERVIEW OF A CHILD VICTIM OF A SEXUAL OFFENSE; PROVIDING FOR A HEARING; PROVIDING FOR REASONABLE ACCOMMODATIONS FOR THE CHILD;"

2. Page 1, line 12 through page 2, line 25.
Strike: section 1 in its entirety
Insert: "NEW SECTION. **Section 1. Interview of child under age 16.** (1) A defendant may not interview a child under the age of 16 who alleges to be the victim of sexual abuse as provided in 45-5-502, 45-5-503, 45-5-504, 45-5-507, 45-5-508, or 45-5-625, or an immediate family member of the child who is also under the age of 16, except by an order of the court upon a motion showing that the defendant has exceptional circumstances that necessitate interviewing the child victim.

(2) Upon a motion under subsection (1), the court may, in its discretion, order an interview. If the court orders an interview, the court shall list the reasons for and scope of the interview and, if requested, provide any reasonable accommodations for the child victim for the interview."
Insert: "NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 46, chapter 15, part 3, and the provisions of Title 46, chapter 15, part 3, apply to [section 1]."

And, as amended, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/4/2019
HB 393, be concurred in.
HB 440, be concurred in.
HB 550, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/5/2019
SR 51, be adopted.
HB 598, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 4/5/2019
HB 316, be amended as follows:

1. Title, page 1, line 6.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 2, line 19.
Following: line 18
Insert: "NEW SECTION. **Section 3. Termination.** [This act] terminates June 30, 2023."

And, as amended, be concurred in.

HB 612, be concurred in.
HJ 10, be concurred in.
HJ 23, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/4/2019

SB 41, introduced by T. Richmond
SB 48, introduced by T. Richmond
SB 71, introduced by A. Olszewski

SB 81, introduced by J. Cohenour
SB 140, introduced by C. Smith
SB 151, introduced by S. Fitzpatrick

Senate bills not concurred in and returned to the Senate: 4/3/2019

SB 78, introduced by M. McNally
SB 126, introduced by F. Thomas

Senate amendments to House bill concurred in: 4/4/2019

HB 15, introduced by W. Curdy

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 25, introduced by J. Ellis, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lang in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 181 - Senator Bennett moved **HB 181** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 284 - Senator K. Regier moved **HB 284** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb, Mr President.
Total 23

Nays: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 26

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes made by Senator Lang under Motions.

HB 284 - Majority Leader Thomas moved **HB 284** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 33

Nays: Blasdel, Brown, Ellsworth, Esp, Fitzpatrick, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Regier, Salomon, Smith C, Webb.
Total 16

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 356 - Senator Phillips moved **HB 356** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 397 - Senator Ellsworth moved **HB 397** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 456 - Senator Gauthier moved **HB 456** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 37

Nays: Brown, Cuffe, Esp, Hinebauch, Hoven, Howard, Kary, Osmundson, Salomon, Smith C, Tempel, Vance.
Total 12

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 473 - Senator Esp moved **HB 473** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 482 - Senator Kary moved **HB 482** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips,

Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 42

Nays: Gross, Jacobson, McConnell, Pomnichowski, Sands, Smith F, Webber.
Total 7

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 524 - Senator Small moved **HB 524** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 535 - Senator Small moved **HB 535** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 558 - Senator Boland moved **HB 558** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 561 - Senator K. Regier moved **HB 561** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Ellsworth, Esp, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 24

Nays: Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gross, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber.
Total 25

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 561 - Majority Leader Thomas moved **HB 561** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 35

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Hinebauch, Hoven, Lang, Olszewski, Osmundson, Regier, Smith C, Thomas, Webb.
Total 14

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 205 - Majority Leader Thomas moved consideration of **HB 205** and **HJ 17**, on second-reading agenda #2, be placed above **HB 265** on second-reading agenda #1. Without objection, so ordered.

SB 578 - Senator Ellsworth moved **SB 578** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 47

Nays: Howard, Webber.
Total 2

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas excused at this time.

HB 369 - Senator MacDonald moved **HB 369** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 35

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Hinebauch, Howard, Keenan, Lang, Salomon, Vance, Webb, Mr President.
Total 13

Paired: None.

Excused: Fielder, Thomas.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Thomas present at this time.

HB 549 - Senator Sands moved **HB 549** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 38

Nays: Brown, Ellsworth, Hinebauch, Howard, Kary, Lang, Osmundson, Regier, Smith C, Vance, Mr President.
Total 11

Paired: None.

Excused: Fielder.

Total 1

Absent or not voting: None.
Total 0

HB 543 - Senator MacDonald moved **HB 543** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Esp, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 37

Nays: Blasdel, Brown, Cuffe, Fitzpatrick, Howard, Kary, Osmundson, Regier, Smith C, Vance, Webb, Mr President.
Total 12

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 205 - **Conference Committee Report No. 1** - Senator Flowers moved the Conference Committee report to **HB 205** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.

Total 0

HJ 17 - Senator Flowers moved **HJ 17** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Esp, Smith C, Mr President.
Total 3

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Senator Barrett assumed the chair.

HB 265 - Senator Lang moved **HB 265** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Senator Lang arose on a point of personal privilege and moved to change his second-reading

vote on **HB 284** from No to Yes. Without objection, so ordered.

Senator Flowers assumed the chair.

SB 134 - **House Amendments** - Senator D. Brown moved do **not** concur in House amendments to **SB 134**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SJ 3 - **House Amendments** - Senator Thomas moved do **not** concur in House amendments to **SJ 3**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 44

Nays: Malek, Pomnichowski, Smith F, Vuckovich, Webber.
Total 5

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.

Total 0

HB 224 - Senator McClafferty moved **HB 224** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Esp, Hinebauch, Keenan, Smith C, Smith F.
Total 5

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 332 - Senator Lang moved **HB 332** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 27

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 22

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 585 - Senator Jacobson moved **HB 585** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Brown.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 26 - President Sales moved **HJ 26** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 28 - Senator Lang moved **HJ 28** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Webber.
Total 18

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Flowers moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 43

Nays: Bennett, Cohenour, Ellis, McNally, Phillips, Pomnichowski.
Total 6

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **HB 52**, reported out of committee this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 21** be taken from the third-reading schedule and referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 658** be taken from the Public Health, Welfare, and

Safety Committee and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved to appoint a Conference Committee on **SJ 3** and request the House to appoint a like committee. Motion carried. President Sales appointed:

Senator Thomas, Chair
Senator Blasdel
Senator Phillips

Majority Leader Thomas moved to appoint a Conference Committee on **SB 134** and request the House to appoint a like committee. Motion carried. President Sales appointed:

Senator D. Brown, Chair
Senator Ellis
Senator Vance

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/5/2019
HB 52, be amended as follows:

1. Page 11, line 21.
Strike: "2021"
Insert: "2027"

2. Page 11, line 22.
Strike: "2021"
Insert: "2027"

3. Page 18, line 27.
Strike: "2021"
Insert: "2027"

4. Page 19, line 4.
Strike: "2021"
Insert: "2027"

5. Page 19, line 7.
Strike: "2021"
Insert: "2027"

6. Page 19, line 15.
Strike: "2021"
Strike: "2027"

7. Page 19, line 19.
Strike: "2021"
Insert: "2027"

8. Page 20, line 6.
Strike: "2021"
Insert: "2027"

And, as amended, be concurred in.

HB 566, be amended as follows:

1. Title, page 1, line 6.
Strike: "ALLOWING" through "CHECK;"

2. Page 1, line 28 through line 29.
Strike: "REQUEST" on line 28 through "SERVICES" on line 29
Insert: "conduct"

3. Page 1, line 30 through page 2, line 4.
Strike: "DEPARTMENT" on page 1, line 30

Insert: "background check"
Following: "may" on line 30
Insert: "be"
Strike: ":" on page 1, line 30 through "conduct" on page 2, line 1
Following: "check" on page 2, line 1
Strike: "; or" on line 1 through "CHECK" on line 4

4. Page 2, line 14 through line 17.
Strike: subsection (6) in its entirety

And, as amended, be concurred in.

HB 579, be amended as follows:

1. Title, page 1, line 6.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 1, line 12.
Following: "is the"
Insert: "sole"

3. Page 1, line 12 through line 17.
Following: "device is operated." on line 12
Strike: remainder of line 12 through line 17
Insert: "Data may not be used, disclosed, sold, or accessed for any purpose with the exception of:

(a) maintenance of equipment by the system owner or developer; however, data may not be utilized for any other purpose; and

(b) conducting gaming business by the licensed location owner where the system is located."

4. Page 1, line 20 through 21.
Following: "route operator may not"
Strike: remainder of line 20 through "contract" on line 21
Insert: "tie the purchase, lease, or rental of a player rewards system to a videogaming route operator contract"

5. Page 1, line 22.
Following: line 21
Insert: "(5) Player data must be retrievable in a common data format so that it may be removed from one system and installed into another system at the request of the license owner.

(6) An approved player system must be available for any license owner to purchase, rent, or lease under similar terms.

(7) Player data may be sold or passed from a license holder to a party purchasing that same license for the same location or by the same license owner if a new license is purchased for use at the same location."
Renumber: subsequent subsections

6. Page 2, line 11 through line 13.
Following: "purposes" on line 11
Strike: line 11 through "rewards system"

7. Page 3, line 3.
Following: line 2
Insert: "NEW SECTION. **Section 4. Effective date.** [This act] is effective January 1, 2020."

And, as amended, be concurred in.

Without objection, committee reports were adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 22 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 19

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 54 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Vance.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 106 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 173 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 221 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 260 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Brown, Cuffe.
Total 2

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 428 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Tempel, Vance, Webb, Mr President.
Total 19

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 506 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 580 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cuffe, Ellis, Gauthier, Gillespie, Gross, Hoven, Keenan, Lang, Malek, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 31

Nays: Blasdel, Brown, Cohenour, Ellsworth, Esp, Fitzpatrick, Flowers, Hinebauch, Howard, Jacobson, Kary, MacDonald, McClafferty, Salomon, Smith C, Smith F, Welborn, Mr President.
Total 18

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 599 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 27

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 22

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the Senate recess until 4:45 p.m. Motion carried.

Senate recessed at 3:31 p.m., and reconvened at 4:58 p.m., President Sales, presiding.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Gross excused at this time.

HB 19 - Senator MacDonald moved **HB 19** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 27

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary,

Keenan, Lang, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 21

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 286 - Senator Esp moved **HB 286** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 38

Nays: Barrett, Boland, Ellis, MacDonald, Malek, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 10

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 583 - Senator Sands moved **HB 583** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 591 - Senator Hinebauch moved **HB 591** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 615 - Senator MacDonald moved **HB 615** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 40

Nays: Brown, Ellsworth, Howard, Kary, Smith C, Vance, Webb, Mr President.
Total 8

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HJ 20 - Senator F. Smith moved **HJ 20** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 34

Nays: Ellsworth, Esp, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Regier, Smith C, Tempel, Vance, Webb, Mr President.
Total 14

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 662 - Senator Salomon moved **HB 662** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 46

Nays: Hinebauch, Welborn.
Total 2

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 688 - Senator Lang moved **HB 688** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski,

Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Brown, Esp, Keenan, Olszewski, Vance, Mr President.
Total 6

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 211 - Senator Salomon moved **HB 211** be concurred in.

HB 211 - Senator K. Regier moved **HB 211**, second reading copy, be amended as follows:

1. Page 13, line 23 through line 25.
Strike: subsection (4) in its entirety

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 211 - As amended, **HB 211** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth,

Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Mr President.
Total 43

Nays: Brown, Hinebauch, Keenan, Vance, Welborn.
Total 5

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

Senator Regier moved the Senate reconsider its second-reading action this date on **HB 561** and that **HB 561** be placed on second reading the next legislative day. Motion carried as

follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Thomas, Vance, Webb, Mr President.
Total 26

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith C, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 22

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the Senate adjourn until 9:00 a.m. Saturday, April 6, 2019, the seventy-second legislative day. Motion carried.

Senate adjourned at 5:39 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SEVENTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 6, 2019 — State Capitol

Senate convened at 9:00 a.m. President Sales presiding. Invocation by Senator Small. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Fielder and Gross, excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/6/2019
Correctly printed: **SR 51**, **SJ 25**, **HB 19**, **HB 21**, **HB 181**, **HB 224**, **HB 265**, **HB 286**, **HB 332**, **HB 356**, **HB 369**, **HB 393**, **HB 397**, **HB 440**, **HB 456**, **HB 473**, **HB 482**, **HB 524**, **HB 535**, **HB 543**, **HB 549**, **HB 550**, **HB 558**, **HB 561**, **HB 578**, **HB 583**, **HB 585**, **HB 591**, **HB 598**, **HB 612**, **HB 615**, **HB 658**, **HB 662**, **HB 688**, **HJ 10**, **HJ 17**, **HJ 20**, **HJ 23**, **HJ 26**, **HJ 28**.
Correctly engrossed: **HB 211**.
Examined by the sponsor and found to be correct: **SB 5**, **SB 41**, **SB 48**, **SB 81**, **SB 140**, **SB 151**, **SB 154**, **SB 191**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/5/2019
HB 433, be amended as follows:

1. Page 2, line 6.
Following: "(b)"
Insert: "(i)"

2. Page 2.
Following: line 6
Insert: "(ii) The provisions of subsection (4)(b)(i) do not apply if:
(A) the legislative fiscal analyst agrees in writing that the information can be retrieved by the legislative fiscal analyst with alternative access to the department's data systems; and
(B) the department and the legislative fiscal analyst enter into a memorandum of understanding to allow the legislative fiscal analyst to access the information that meets the known data needs for legislative analysis."

And, as amended, be concurred in.

HB 553, be amended as follows:

1. Page 3, line 21 through page 4, line 11.
Strike: section 4 in its entirety
Insert: "NEW SECTION. **Section 4. Capital development funding -- transfer as present law base.** (1) As part of the executive budget prepared pursuant to 17-7-123, the governor shall

propose annual transfers from the general fund into the account established in [section 5]. Except as provided in subsection (2), the amount of the proposed annual transfers are considered present law and must be equal to 1% of the amount of the certified unaudited state general fund revenue, including transfers into the general fund, as determined by the state treasurer on or before August 15 of the year preceding a legislative session less the:

(a) general fund debt service anticipated by the office of budget and program planning for each year of the biennium for issued general obligation bonds paid from the general fund as set forth in the state budget pursuant to 17-5-802; and

(b) projected general fund debt service for each year of the biennium for general obligation bonds paid from the general fund proposed in the executive budget.

(2) The governor may propose to reduce or increase the amount of the annual transfers proposed pursuant to subsection (1). Any proposed increase or decrease to the amount required in subsection (1) must be included in the executive budget request as a new proposal.

(3) The legislature may appropriate funds in the general appropriations act for transfer into the account established in [section 5] from the general fund for capital development projects based on the state fiscal condition.

(4) The appropriated transfer to the account established in [section 5] to fund capital developments is part of the base budget for purposes of Title 17, chapter 7, part 1.

(5) The department of administration shall transfer the annual amount appropriated by the legislature from the general fund to the capital developments long-range building program account established in [section 5] by August 15 of each fiscal year except as provided in subsection (6).

(6) The department of administration may not make the annual transfer if the executive has authorized transfers from the budget stabilization reserve fund established in 17-7-130 in the immediately preceding 11 months or if the transfer would result in reductions pursuant to 17-7-140.

(7) This section does not limit the ability of the legislature to authorize general obligation bonds or the board of examiners to issue and sell bonds authorized by previous legislatures, and has no effect on the pledge or security for general obligation bonds."

2. Page 4, line 20.
Strike: line 20
Insert: "(4) The state treasurer may temporarily borrow from the fund to address cash balance deficiencies in the general fund. A loan made to the general fund does not bear interest and must be recorded in the state accounting records. The fund may not be so impaired by a loan that all legal obligations against the fund cannot be met."

3. Page 4, line 25.
Following: "expansion"
Strike: "or"
Insert: "and"

4. Page 4, line 27.
Strike: "the entirety of"

5. Page 4, line 30 through page 5, line 1.
Strike: "prorated" on page 4, line 30 through "occupancy" on page 5, line 1

Insert: "the prorated amount from the beginning of the fiscal year to the date of the receipt of the certificate of occupancy"

6. Page 8, line 19 through page 9, line 27.
Strike: section 9 in its entirety
Insert: "Section 9. Section 17-5-802, MCA, is amended to read:

"17-5-802. Authority to <u>authorize and</u> issue general obligation bonds and notes. (1) When authorized by and within the limits of a bond act and as provided in this part, the board may issue and sell bonds of the state in the manner that it considers necessary and proper to provide funds for the purpose set forth in the bond act.

(2) The full faith and credit and taxing powers of the state must be pledged for the payment of all bonds and notes issued pursuant to this part, with all interest on the bonds and notes and premiums payable upon the redemption of the bonds and notes. All principal, interest, and redemption premium, if any, becoming due during a fiscal year must be included in the state budget for that fiscal year, and sufficient revenue must be appropriated for the payment of principal, interest, and redemption premiums from the general fund and, if the general fund is not sufficient, from any other funds of the state legally available for the payment of principal, interest, and redemption premiums. Bonds may not be issued to cover deficits incurred because appropriations exceeded anticipated revenue. Money transferred for the payment of bonds and notes must be deposited in the debt service account.

<u>(3) Except as provided in subsection (8), the legislature may not authorize general obligation bonds paid from the general fund if the issuance of those bonds would cause the total amount of the state debt to exceed 0.6% of the fair market value of all taxable property within the state.</u>

<u>(4) Except as provided in subsection (8), the legislature may not authorize new general obligation bonds paid from the general fund if the issuance of those bonds would create an obligation for fiscal year debt service on general obligation bonds paid from the general fund that have been issued that exceeds 1.5% of the amount of the certified unaudited state general fund revenue, including transfers into the general fund, as determined by the state treasurer on or before August 15 of the year preceding a legislative session.</u>

<u>(5) For purposes of subsections (3) and (4):</u>

<u>(a) "fair market value of all taxable property within the state" includes all real and personal property subject to ad valorem taxation within the state as enumerated in the department of revenue's biennial report issued pursuant to 15-1-205.</u>

<u>(b) “general obligation bonds paid from the general fund” means bonds issued as general obligation bonds of the state that are payable from only the general fund and that are not payable from or secured by funds or specific sources of revenue outside the general fund.</u>

<u>(c) "state debt" means:</u>

<u>(i) the outstanding principal of issued general obligation bonds paid from the general fund as of July 1 of the current fiscal year;</u>

<u>(ii) the principal amount of all authorized but unissued general obligation bonds paid from the general fund; and</u>

<u>(iii) the total amount of unfunded actuarial accrued liability of the public retirement systems established in Title 19 that does not amortize in 30 years as identified in those systems' most recent actuarial valuation of the assets and liabilities of their plans.</u>

(6) For purposes of calculating the total fiscal year debt service of proposed bonds to determine whether the limitations described in subsection (4) are satisfied, the debt service amounts set forth in the fiscal note for the proposed bond act regarding the bonds are used and are final and conclusive.

(7) The passage and approval of a bond act is final and conclusive authority for the issuance of the bonds authorized under that act. The board of examiners may rely on that authority without regard to condition or circumstance existing as of the date of the issuance of the bonds.

(8) The limits on legislative authority to authorize general obligation bonds paid from the general fund do not apply to bonds authorized during a state of emergency or a state of disaster as provided in Title 10, chapter 3."
""

7. Page 14, line 14.
Following: "include"
Strike: ":"

8. Page 14, line 15.
Strike: "(i)"

9. Page 14, line 16.
Strike: "; or"
Insert: "."

10. Page 14, line 17.
Strike: subsection (ii) in its entirety

And, as amended, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/5/2019

SB 90, introduced by N. McConnell
SB 192, introduced by M. Lang
SB 220, introduced by K. Regier
SB 231, introduced by B. Bennett
SB 285, introduced by D. Brown

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/5/2019

SB 35, introduced by F. Thomas

SB 67, introduced by B. Gillespie
SB 92, introduced by D. Salomon
SB 93, introduced by T. Richmond
SB 139, introduced by M. Lang
SB 162, introduced by R. Webb
SB 205, introduced by S. Fitzpatrick
SB 232, introduced by B. Bennett
SB 244, introduced by M. Blasdel
SB 258, introduced by M. Cuffe
SB 262, introduced by J. Cohenour
SB 300, introduced by K. Bogner

Senate joint resolution not concurred in and returned to the Senate: 4/4/2019

SJ 10, introduced by K. Bogner

SB 158 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 158:**

4/5/2019

Representative Usher, Vice Chair
Representative Lynch
Representative Ricci

Senate amendments to House bill concurred in: 4/5/2019

HB 129, introduced by R. Fitzgerald

House joint resolution passed and transmitted to the Senate for concurrence: 4/5/2019

HJ 35, introduced by A. Redfield

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 35, introduced by A. Redfield, referred to Taxation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 316 - Senator Vance moved **HB 316** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 590 - Senator MacDonald moved **HB 590** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: None.
Total 0

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 579 - Senator Small moved **HB 579** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Cuffe, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Jacobson, Kary, Lang, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Small, Smith F, Thomas, Vuckovich, Webb, Welborn, Mr President.
Total 30

Nays: Boland, Brown, Cohenour, Ellis, Esp, Hinebauch, Howard, Keenan, MacDonald, Malek, McClafferty, Osmundson, Sands, Sesso, Smith C, Tempel, Vance, Webber.
Total 18

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 550 - Senator Esp moved do **not** concur on **HB 550**.

HB 550 - Senator Esp made a **substitute motion** that **HB 550** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Brown, Olszewski, Vance.
Total 3

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 612 - Senator Lang moved **HB 612** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary,

Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Jacobson, Keenan.
Total 2

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 561 - Senator K. Regier moved **HB 561** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 23

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 25

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

HB 561 - Majority Leader Thomas moved **HB 561** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Hoven, Kary, Regier, Smith C.
Total 4

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Howard.
Total 1

Paired: None.

Excused: Fielder, Gross.
Total 2

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, April 8, 2019, the

seventy-third legislative day. Motion carried.

Senate adjourned at 9:31 a.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SEVENTY-THIRD LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 8, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Hinebaugh. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Fielder excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/8/2019
Correctly printed: **HB 316**, **HB 579**, **HB 590**, **HB 612**.
Correctly engrossed: **HB 433**, **HB 553**.
Correctly enrolled: **SB 71**, **SB 90**, **SB 192**, **SB 220**, **SB 231**, **SB 285**.
Transmitted to the House: **HB 2**, **HB 19**, **HB 22**, **HB 54**, **HB 106**, **HB 173**, **HB 181**, **HB 211**, **HB 221**, **HB 224**, **HB 260**, **HB 265**, **HB 284**, **HB 286**, **HB 316**, **HB 332**, **HB 356**, **HB 369**, **HB 397**, **HB 428**, **HB 456**, **HB 473**, **HB 482**, **HB 506**, **HB 524**, **HB 535**, **HB 543**, **HB 549**, **HB 558**, **HB 561**, **HB 578**, **HB 579**, **HB 580**, **HB 583**, **HB 585**, **HB 590**, **HB 591**, **HB 599**, **HB 612**, **HB 615**, **HB 662**, **HB 688**, **HJ 17**, **HJ 20**, **HJ 26**, **HJ 28**.
Signed by the Speaker at 6:30 p.m., April 5, 2019: **SB 1**, **SB 3**, **SB 9**, **SB 14**, **SB 36**, **SB 46**, **SB 52**, **SB 61**, **SB 82**, **SB 89**, **SB 98**, **SB 119**, **SB 157**, **SB 163**, **SB 182**, **SB 217**, **SB 223**, **SB 226**, **SB 243**, **SB 275**, **SB 288**, **SB 292**, **SB 295**, **SB 310**.
Delivered to the Governor at 11:40 a.m., April 8, 2019: **SB 1**, **SB 3**, **SB 9**, **SB 14**, **SB 36**, **SB 46**, **SB 52**, **SB 61**, **SB 82**, **SB 89**, **SB 98**, **SB 119**, **SB 157**, **SB 163**, **SB 182**, **SB 217**, **SB 223**, **SB 226**, **SB 243**, **SB 275**, **SB 288**, **SB 292**, **SB 295**, **SB 310**.

Sergeant-at-Arms Spencer escorted Bella Nyman, who represents Montana in the Children's Miracle Network Hospitals' program, into the Senate chamber. Senator Ellis read the following proclamation:

A PROCLAMATION OF THE MONTANA LEGISLATURE
COMMENDING AND RECOGNIZING
BELLA NYMAN
April 8, 2019

BELLA NYMAN, A 16-YEAR-OLD HELENA GIRL,
HAS BEEN TREATED BY SHODAIR CHILDREN'S HOSPITAL. HER
DETERMINATION, STRENGTH AND COURAGE HAVE HELPED
HER TO ADDRESS SERIOUS MENTAL HEALTH CHALLENGES.

WHEREAS, Children's Miracle Network Hospitals, the international alliance of premier children's hospitals in the United States and abroad, spotlights the heroic battles of children like Bella with varied illnesses and health challenges; and

WHEREAS, Shodair Children's Hospital is Montana's Children's Miracle Network Hospital and the only hospital in the Children's Miracle Network that serves mental health needs of children and teenagers; and

WHEREAS, Bella will represent Montana in the Children's Miracle Network Hospitals' program honoring remarkable children who have encountered severe medical conditions and have endured medical obstacles, all while inspiring others; and

WHEREAS, Bella has encountered serious mental health challenges since early in her childhood, including serious anxiety and depression. She credits the staff at Shodair Children's Hospital as a key to her success today, and she looks forward to a bright future with support of family, friends and healthcare professionals.

NOW THEREFORE BE IT RESOLVED by the 66th Montana Legislature that the members of this body honor Bella Nyman for her spirit and inspiration in the face of significant medical challenges, and convey to her their sincere wishes for memorable experiences during her year as Montana's Champion.

Signed by: Scott Sales, President of the Senate
Greg Hertz, Speaker of the House

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 268**
Report No. 001, April 8, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 268** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 268** (reference copy -- salmon) be amended as follows:

1. Page 1, line 27.
Following: "~~The~~"
Strike: "(1)" through "(2), THE"
Insert: "The"

2. Page 2, line 1 through line 3.
Strike: subsection (2) in its entirety

For the Senate:	For the House:
K. Regier, Chair	Greef, Vice Chair
Esp	Doane
MacDonald	Farris-Olsen

Without objection, the select committee report was adopted.

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 26, introduced by D. Sands, N. McConnell, referred to Judiciary.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator R. Webb in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 38 - **House Amendments** - Senator MacDonald moved House amendments to **SB 38** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 73 - **House Amendments** - Senator Hinebauch moved House amendments to **SB 73** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 116 - **House Amendments** - Senator Salomon moved House amendments to **SB 116** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 133 - **House Amendments** - Senator Gillespie moved House amendments to **SB 133** be

concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 268 - **House Amendments** - Senator Bogner moved House amendments to **SB 268** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Kary.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 276 - Senator Thomas moved consideration of **SB 276** be placed at the bottom of the second reading board. Without objection, so ordered.

SB 305 - **House Amendments** - Senator Gauthier moved House amendments to **SB 305** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Boland, Cohenour.
Total 2

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 172 - Senator Ellsworth moved **HB 172** be concurred in.

HB 172 - Senator D. Brown moved **HB 172**, second reading copy, be amended as follows:

1. Page 4, line 9.
Strike: "2021"
Insert: "2023"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Flowers, Gauthier, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Fitzpatrick, Gillespie, Hinebauch, Mr President.
Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 172 - As amended, **HB 172** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 37

Nays: Blasdel, Brown, Cuffe, Esp, Hinebauch, Hoven, Keenan, Regier, Smith C, Vance, Welborn, Mr President.
Total 12

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Senator Sesso excused at this time.

HB 416 - Senator Lang moved **HB 416** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn.
Total 33

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Olszewski, Osmundson, Smith C, Thomas, Vance, Mr President.
Total 15

Paired: None.

Excused: Fielder, Sesso.
Total 2

Absent or not voting: None.
Total 0

HB 376 - Senator Lang moved **HB 376** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Brown, Ellsworth, Hinebauch, Howard, Vance, Mr President.
Total 6

Paired: None.

Excused: Fielder, Sesso.
Total 2

Absent or not voting: None.
Total 0

Senator Sesso present at this time.

HB 566 - Senator Boland moved **HB 566** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber.
Total 25

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Gillespie, Hinebauch, Hoven, Howard, Kary, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 6 - Senator Cuffe moved **HB 6** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 7 - Senator Sesso moved **HB 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 9 - Senator Cuffe moved **HB 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.

Total 37

Nays: Bogner, Ellsworth, Esp, Hinebauch, Hoven, Kary, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 12

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 11 - Senator Ankney moved **HB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 669 - Senator Olszewski moved **HB 669** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 46

Nays: Keenan, Vance, Mr President.

Total 3

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 39 - Senator D. Brown moved **HB 39** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 39

Nays: Bogner, Cuffe, Ellsworth, Hinebauch, Hoven, Kary, Lang, Osmundson, Salomon, Smith F.
Total 10

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 111 - Senator Sands moved **HB 111** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 43

Nays: Brown, Esp, Hinebauch, Kary, Keenan, Olszewski.
Total 6

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 302 - Senator K. Regier moved **HB 302** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 20

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 393 - Senator Welborn moved **HB 393** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 40

Nays: Barrett, Boland, Ellis, Flowers, Malek, McClafferty, McNally, Phillips, Pomnichowski.
Total 9

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

President Sales assumed the chair.

SB 276 - **House Amendments** - Senator R. Webb moved House amendments to **SB 276** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 43

Nays: Bennett, McConnell, Pomnichowski, Sands, Smith F, Webber.
Total 6

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Bennett, Gross, Sands, Smith F.
Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 28

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, Regier, Smith C, Vance, Webb, Mr President.
Total 21

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 19 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 26

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 23

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.

Total 0

HB 181 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 205 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 211 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn, Mr President.
Total 39

Nays: Brown, Ellsworth, Esp, Hinebauch, Howard, Keenan, Olszewski, Smith C, Vance, Webb.
Total 10

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 224 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Esp, Hinebauch, Keenan, Olszewski, Smith C.
Total 5

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 265 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 26

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 23

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 286 concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 42

Nays: Barrett, Boland, Gross, Pomnichowski, Sands, Smith F, Webber.
Total 7

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 316 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 46

Nays: Malek, Sesso, Welborn.
Total 3

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 332 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 356 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Brown, Howard, Vance, Mr President.
Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 369 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber.
Total 33

Nays: Blasdel, Bogner, Brown, Ellsworth, Hinebauch, Howard, Kary, Keenan, Olszewski, Osmundson, Salomon, Smith C, Vance, Webb, Welborn, Mr President.
Total 16

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 397 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Smith F.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 456 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Olszewski, Osmundson, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 19

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 473 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 482 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 18

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 524 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 535 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 543 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 35

Nays: Blasdel, Brown, Cuffe, Esp, Fitzpatrick, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Vance, Mr President.
Total 14

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 549 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn, Mr President.
Total 40

Nays: Hinebauch, Howard, Kary, Lang, Osmundson, Regier, Smith C, Vance, Webb.
Total 9

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 558 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 578 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 579 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Kary, Lang, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith F, Thomas, Vance, Vuckovich, Welborn, Mr President.
Total 27

Nays: Ankney, Boland, Brown, Cohenour, Ellis, Flowers, Hoven, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, Phillips, Pomnichowski, Sands, Sesso, Smith C, Tempel, Webb, Webber.
Total 22

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 583 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 585 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard,

Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 590 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 591 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr

President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 612 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Esp, Jacobson, Keenan, Olszewski.
Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 615 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 36

Nays: Blasdel, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Smith C, Vance, Webb, Mr President.
Total 13

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 662 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 37

Nays: Blasdel, Brown, Ellsworth, Esp, Hinebauch, Howard, Keenan, Lang, Olszewski, Smith C, Vance, Mr President.
Total 12

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 688 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 39

Nays: Blasdel, Brown, Ellsworth, Esp, Hinebauch, Howard, Keenan, Smith C, Vance, Mr President.
Total 10

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 17 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Esp, Mr President.
Total 2

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 20 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 27

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 22

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 26 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HJ 28 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Webber.
Total 19

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/8/2019
HB 292, be concurred in.
HB 658, be amended as follows:

1. Title, page 1, line 14 through line 15.
Strike: "APPLYING THE" on line 14 through "FUND;" on line 15

2. Title, page 1, line 19.
Strike: "33-1-115, 33-2-705, 33-2-708,"
Strike: "39-71-2375,"
Strike: "53-4-1115,"

3. Page 5, line 26.
Strike: "FINANCE"
Insert: "audit"

4. Page 5, line 27 through line 28.
Strike: "FINANCE COMMITTEE" on line 27
Insert: "auditor"
Strike: "A STATISTICALLY" on page 27 through "RELEVANT" on line 28
Insert: "an"
Following: "SUSPENSION"
Insert: "using statistically valid methods"

5. Page 5, line 30.
Strike: "FINANCE"
Insert: "audit"

6. Page 6, line 2.
Strike: "FINANCE"
Insert: "audit"

7. Page 6.
Following: line 8
Insert: "(e) The cost of any audit under this section performed at the direction of the legislative auditor must be paid by the department."

8. Page 9, line 9.
Strike: subsection (c) in its entirety
Renumber: subsequent subsections

9. Page 15, line 1.
Strike: "0.825%"
Insert: "0.90%"

10. Page 15, line 7.
Strike: "50%"
Insert: "54%"

11. Page 19, line 3 through page 24, line 8.
Strike: section 18 through section 20 in their entirety
Renumber: subsequent sections

12. Page 26, line 23 through page 28, line 9.
Strike: section 24 in its entirety
Renumber: subsequent sections

13. Page 28, line 15 through page 29, line 3.
Strike: section 26 in its entirety
Renumber: subsequent sections

14. Page 45, line 26.
Strike: "$678,185,000"
Insert: "$562,447,343"

15. Page 45, line 27.
Strike: "$29,510,000"
Insert: "$31,657,493"

16. Page 45, line 28.
Strike: "$30,000,000"
Insert: "$33,165,464"

17. Page 45, line 29.
Strike: "$685,606,000"
Insert: "$571,658,286"

18. Page 45, line 30.
Strike: "$36,667,000"
Insert: "$40,174,374"

19. Page 46, line 1.
Strike: "$30,000,000"
Insert: "$35,200,535"

20. Page 46, line 6.
Strike: "$110,000,000"
Insert: "$217,278,228"

21. Page 46, line 7.
Strike: "$25,000,000"
Insert: "$25,776,425"

22. Page 46, line 8.
Strike: "$110,000,000"
Insert: "$216,176,522"

23. Page 46, line 9.
Strike: "$25,000,000"
Insert: "$26,613,993"

24. Page 46.
Following: "line 9"
Insert: "(4) There is appropriated, as a one-time-only appropriation, $550,000 from the general fund to the department of revenue for the purposes of updating the department's integrated tax processing software to process the taxpayer integrity fees required under 15-30-2660."
Renumber: subsequent subsection

25. Page 48, line 11.
Strike: "36(1)"
Insert: "31(1)"

26. Page 48, line 12.
Strike: "36(1)"
Insert: "31(1)"

27. Page 48, line 19.
Strike: "31," through "41"
Insert: "26, 27, 30, 31, 32, and 36"

28. Page 48, line 21 through line 22.
Strike: "38 THROUGH" on line 21 through "50" on line 22
Insert: "33 through 35 and 38 through 45"

And, as amended, be concurred in.

HB 695, be concurred in.

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the coming week:

Amelie Salter from Bozeman, sponsored by Senator Phillips
Weston Sharpe from Billings, sponsored by Senator C. Smith
Sawyer Smith from Bozeman, sponsored by Senator Phillips
Hayden Tillinger from Helena, sponsored by Senator Ellis
Ryan Young from Clancy, sponsored by Senator McConnell

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, April 9, 2019, the seventy-fourth legislative day. Motion carried.

Senate adjourned at 2:50 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SEVENTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 9, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Gillespie. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/9/2019
Correctly printed: **SJ 26**, **HB 6**, **HB 7**, **HB 9**, **HB 11**, **HB 39**, **HB 111**, **HB 292**, **HB 302**, **HB 376**, **HB 393**, **HB 416**, **HB 566**, **HB 669**, **HB 695**.
Correctly engrossed: **HB 172**, **HB 441**, **HB 643**, **HB 657**, **HB 658**, **HB 722**, **HB 754**.
Correctly enrolled: **SB 26**, **SB 40**, **SB 70**, **SB 79**, **SB 124**, **SB 165**, **SB 213**, **SB 218**, **SB 222**, **SB 236**, **SB 255**, **SB 304**, **SB 311**, **SJ 4**, **SJ 6**, **SJ 16**.
Examined by the sponsor and found to be correct: **SB 71**, **SB 90**, **SB 192**, **SB 220**, **SB 231**, **SB 285**.
Signed by the Speaker at 10:00 a.m., April 9, 2019: **SB 101**, **SB 115**, **SB 130**, **SB 148**, **SB 150**, **SB 212**.
Delivered to the Governor at 11:30 a.m., April 9, 2019: **SB 101**, **SB 115**, **SB 130**, **SB 148**, **SB 150**, **SB 212**.

Members of the Montana Auctioneers Association were welcomed into the Senate by President Sales. The auctioneers conducted an auction of two flags which had recently flown over the state Capitol building. Auction proceeds will assist Jack Racicot, a Senate employee who suffered a severe accident earlier in the legislative session.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 4/8/2019
HB 643, be amended as follows:
1. Page 1, line 20.
Strike: "November"
Insert: "December"

And, as amended, be concurred in.

HB 657, be amended as follows:

1. Title, page 1, line 6.
Following: "BIPARTISAN"
Insert: "SUBCOMMITTEE OF THE LEGISLATIVE FINANCE"

2. Page 1, line 11 through line 23.
Strike: section 1 in its entirety
Insert: "NEW SECTION. **Section 1. Legislative finance committee study of fiscal issues regarding education -- reports to education interim committee.** (1) For the 2019-2020 interim, the legislative finance committee provided for in 5-12-201 shall direct a study of the following topics related to education:

(a) K-12 special education funding;

(b) the community college funding formula; and

(c) postsecondary career and technical education credit values.

(2)(a) The legislative finance committee shall establish an education funding subcommittee to complete its work in accordance with this section.

(b) The presiding officer of the legislative finance committee, in consultation with the presiding officer of the joint appropriations subcommittee on education, shall appoint the members of the education funding subcommittee with equal representation from the majority and minority parties and is encouraged to include members of the joint appropriations subcommittee on education and the education interim committee.

(3) The results of the study must be presented in accordance with 5-11-210 to the legislative finance committee and the education interim committee before September 1, 2020.

(4) The legislative fiscal division shall provide administrative staff support and fiscal analysis. The legislative services division may provide research and legal support at the request of the education funding subcommittee."

And, as amended, be concurred in.

HB 754, be amended as follows:

1. Title, page 1, line 4.
Following: "SYSTEM"
Insert: "2-YEAR EDUCATION"

2. Page 1, line 8.
Strike: "restructured"
Insert: "incorporated the vocational-technical institutions into"
Following: "System"
Insert: "over"

3. Page 1, line 10 through line 11.
Strike: "a number" on line 10 through "System" on line 11
Insert: "enrollment at 2-year colleges remains relatively low compared to other states"

4. Page 1, line 12 through line 13.
Strike: "no" on line 12 through "conducted" on line 13
Insert: "a reexamination of the structure of 2-year education in Montana is warranted"

5. Page 1, line 25.
Strike: "a member"
Insert: "two members"

6. Page 1, line 29.
Following: "governor"
Insert: ", one of whom must be a representative of the tribal colleges"

7. Page 2, line 11.
Strike: "task force"
Insert: "commission"

8. Page 2, line 16 through line 17.
Strike: "restructuring" on line 16 through "session" on line 17
Insert: "incorporating vocational-technical institutions in the system"

9. Page 2, line 18.
Following: "effectiveness of"
Insert: "2-year education in"

10. Page 2, line 19 through line 20.
Strike: "increases" on line 19 through "level" on line 20
Insert: "student demand for career and technical education training within its 2-year colleges"

11. Page 2, line 21.
Strike: "impacts of the restructuring on"
Insert: "potential for restructuring"

12. Page 2, line 21 through line 22.
Strike: "programs" on line 21 through "colleges" on line 22
Insert: "in the Montana university system to enhance offerings in career and technical education"

13. Page 2, line 23 through line 24.
Strike: subsection (5) in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 4/8/2019
SR 50, be adopted.
HB 341, be concurred in.
HB 441, be amended as follows:

1. Page 1.
Following: line 13

Insert: "NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun for the offering and providing of a timber conservation license before [the effective date of this act]."
Renumber: subsequent sections

And, as amended, be concurred in.

HB 608, be concurred in.
HB 722, be amended as follows:

1. Page 6, line 20.
Following: "operation"
Insert: "with a forfeited bond"

2. Page 8, line 14 through line 15.
Strike: "subsection " on line 14 through "(4)(b)" on line 15
Insert: "this section"

3. Page 8, line 30 through page 9, line 1.
Strike: "THE DEPARTMENT" on page 8, line 30 through "TRANSFER." on page 9, line 1
Insert: "If litigation precludes the transfer, the suspension is stayed until the litigation is resolved."

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/8/2019
HB 613, be concurred in.
HB 726, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/8/2019

SB 40, introduced by F. Smith
SB 70, introduced by P. Flowers
SB 79, introduced by S. Hinebauch
SB 124, introduced by D. Brown
SB 165, introduced by M. MacDonald
SB 183, introduced by M. Blasdel
SB 213, introduced by E. McClafferty
SB 218, introduced by S. Fitzpatrick
SB 222, introduced by J. Cohenour
SB 236, introduced by M. McNally

SB 255, introduced by E. McClafferty
SB 304, introduced by R. Webb
SB 311, introduced by S. Fitzpatrick

Senate joint resolutions concurred in and returned to the Senate: 4/8/2019

SJ 4, introduced by J. Sesso
SJ 6, introduced by M. Cuffe
SJ 16, introduced by A. Olszewski

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/8/2019

SB 26, introduced by S. Fitzpatrick
SB 49, introduced by J. Cohenour
SB 51, introduced by D. Barrett
SB 160, introduced by N. McConnell
SB 171, introduced by S. Fitzpatrick
SB 178, introduced by T. Jacobson
SB 201, introduced by D. Ankney
SB 225, introduced by S. Fitzpatrick
SB 240, introduced by J. Ellsworth
SB 252, introduced by D. Ankney
SB 254, introduced by D. Sands
SB 257, introduced by M. Cuffe
SB 286, introduced by B. Bennett
SB 289, introduced by D. Sands
SB 291, introduced by F. Thomas
SB 296, introduced by S. Fitzpatrick
SB 299, introduced by M. Lang

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

4/8/2019

SJ 9, introduced by J. Pomnichowski

Senate amendments to House bill concurred in: 4/8/2019

HB 463, introduced by M. Regier

Senate bill not concurred in and returned to the Senate: 4/5/2019

SB 307, introduced by J. Welborn

House joint resolution passed and transmitted to the Senate for concurrence: 4/8/2019

HJ 39, introduced by T. Burnett

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 52, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 27, introduced by A. Olszewski, referred to Public Health, Welfare and Safety.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 39, introduced by T. Burnett, referred to State Administration.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olszewski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Majority Leader Thomas moved consideration of **HB 433** and **HB 598** be placed at the bottom of the second reading board. Without objection, so ordered.

SJ 18 - Senator Sands moved **SJ 18** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Fielder, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber.
Total 33

Nays: Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Olszewski, Osmundson, Salomon, Smith C, Tempel, Vance, Welborn, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 19 - Senator Sands moved **SJ 19** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Brown, Hinebauch, Howard, Kary, Keenan, Salomon, Smith C, Vance.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 291 - Senator Vuckovich moved **HB 291** be concurred in.

HB 291 - Senator Jacobson moved **HB 291**, second reading copy, be amended as follows:

1. Title, page 1, line 13.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 5, line 28.
Following: line 27
Insert: "NEW SECTION. **Section 6. Termination.** [This act] terminates June 30, 2023."

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Tempel, Webber.
Total 20

Nays: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 30

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 291 - Thereupon, the Senate reverted to the original motion of Senator Vuckovich which passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, McClafferty, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 34

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McNally, Phillips, Pomnichowski, Sands, Webber.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 413 - Senator Sands moved **HB 413** be concurred in.

HB 413 - Senator Bennett moved **HB 413**, second reading copy, be amended as follows:

1. Page 1, line 21.
Following: "(2)"
Insert: "(a)"

2. Page 1, line 24.
Following: line 24

Insert: "(b) Subsection (1) does not apply to the use of a smoking cessation product by an employee."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 36

Nays: Blasdel, Brown, Cuffe, Ellsworth, Hinebauch, Howard, Kary, Lang, Osmundson, Salomon, Small, Smith C, Welborn, Mr President.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 413 - As amended, **HB 413** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Flowers, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 29

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 553 - Senator C. Smith moved **HB 553** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 34 - Senator Welborn moved **HB 34** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 48 - Senator K. Regier moved **HB 48** be concurred in.

HB 48 - Senator Bennett moved **HB 48**, second reading copy, be amended as follows:

1. Page 2, line 14.

Following: "reservation"
Insert: ", as long as the offender had counsel for the conviction,"

2. Page 2, line 18.
Following: "reservation"
Insert: ", as long as the defendant had counsel for the conviction,"

3. Page 2, line 23.
Following: "reservation"
Insert: ", as long as the defendant had counsel,"

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Tempel, Webber, Welborn.
Total 24

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Mr President.
Total 26

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 48 - Thereupon, the Senate reverted to the original motion of Senator K. Regier which passed as follows:

Yeas: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Webb, Welborn.
Total 27

Nays: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vance, Vuckovich, Webber, Mr President.
Total 23

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 146 - Senator K. Regier moved **HB 146** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 567 - Senator K. Regier moved **HB 567** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator McClafferty excused at this time.

SB 35 - **House Amendments** - Majority Leader Thomas moved House amendments to **SB 35** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Olszewski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 39

Nays: Bennett, Boland, Cohenour, MacDonald, Malek, Phillips, Sands, Smith F, Vuckovich, Webber.
Total 10

Paired: None.

Excused: McClafferty.
Total 1

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Thomas moved **HB 567**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/9/2019
HB 631, be amended as follows:

1. Page 3, line 17.
Strike: "local secondary"
Insert: "high"
Strike: "district,"
Insert: "district as defined in 20-6-101, a"
Following: "or"
Insert: "a"

2. Page 6, line 17.
Following: "part of Title 39,"
Strike: "chapter 11,"
Following: "provisions of Title 39"
Strike: ", chapter 11,"

And, as amended, be concurred in.

FINANCE AND CLAIMS (Osmundson, Chair): 4/9/2019
HB 4, be amended as follows:

1. Page 2, line 20.
Strike: "AND FOR THE MONTANA STRIVING READERS COMPREHENSIVE LITERACY PROJECT"

2. Page 2.
Following: line 21
Insert: "All remaining fiscal year 2019 federal budget amendment authority for the Montana striving readers comprehensive literacy project is authorized to continue into federal fiscal year 2020."

3. Page 2, line 29 through line 30.
Strike: line 29 through line 30 in their entirety

4. Page 2.
Following: line 30
Insert: "Division of Criminal Investigation"
Yellowstone County Sex Offender Compliance Operation FY 2019 $3,823 Federal
Northwest Drug Task Force FY 2019 $21,000 Federal
Missouri River Drug Task Force FY 2019 $18,344 Federal
All remaining fiscal year 2019 federal budget amendment authority for the Northwest drug task force and for the Missouri River drug task force is authorized to continue into state fiscal year 2020.
All remaining fiscal year 2019 federal budget amendment authority for the anti-methamphetamine program is authorized to continue into federal fiscal year 2020.

5. Page 3, line 12.
Strike: "$5,000"
Insert: "$3,200"

6. Page 3.
Following: line 18
Insert: "Montana Board Programming Grant FY 2019 $28,879 Federal"

7. Page 3, line 19.
Following: "project"
Insert: "and for the Montana board programming grant"

8. Page 4.
Following: line 3
Insert: "Enforcement Division
Operation Stonegarden Cooperative Project FY 2019 $2,482 Federal"

9. Page 4.
Following: line 6
Insert: "Forest Legacy Administration FY 2019 $25,000 Federal"

10. Page 4, line 12.
Following: "ASSESSMENT"
Insert: "and for the reducing human-caused grizzly bear mortalities project"

11. Page 4.
Following: line 27
Insert: "Blackfoot Community Conservation Area Wildlife Habitat Improvement Project FY 2019 $30,038 Federal
North Hills Rattlesnake Wildlife Habitat Improvement Project FY 2019 $37,500 Federal"

12. Page 5, line 6.
Following: "PROJECT"
Insert: "and for the Blackfoot community conservation area wildlife habitat improvement project and for the North Hills rattlesnake wildlife habitat improvement project"

13. Page 5, line 14.
Strike: "2018 EXCHANGE NETWORK GRANT"

14. Page 5.
Following: line 14
Insert: "2018 Exchange Network Grant"

15. Page 5.
Following: line 18
Insert: "All remaining fiscal year 2019 federal budget amendment authority for the section 106 monitoring initiative supplemental grant is authorized to continue into state fiscal year 2020."

16. Page 5.
Following: line 28
Insert: "All remaining fiscal year 2019 federal budget amendment authority for the scale solar strategy project is authorized to continue into state fiscal year 2020."

17. Page 6.
Following: line 21
Insert: "Animal Disease Traceability Pre-Award FY 2019 $34,804 Federal"

18. Page 7, line 1.
Following: "support"
Insert: "and for the safe drinking water grant and for the clean water grant"

19. Page 7, line 11.
Strike: "2016"
Insert: "2017"

20. Page 7, line 12.
Strike: "AND FOR THE SAFE DRINKING WATER GRANT AND FOR THE CLEAN WATER GRANT"

21. Page 7.
Following: line 15
Insert: "2018 prescribed burning in the Lolo National Forest FY 2019 $21,000 Federal"

22. Page 9, line 2.

Following: "initiative"
Insert: "and for the justice reinvestment subawards"

23. Page 9, line 9.
Strike: "CRIMINAL ALIEN ASSISTANCE PROGRAM"

24. Page 9.
Following: line 9
Insert: "Criminal Alien Assistance Program"

25. Page 9.
Following: line 24
Insert: "Office of Community Services
Training and technical assistance grant FY 2020 $165,316 Federal
All authority for the training and technical assistance grant is authorized to continue into federal fiscal year 2021."

26. Page 9.
Following: line 30
Insert: "STARBASE
STARBASE Program FY 2019 $157,794 Federal"

27. Page 10.
Following: line 12
Insert: "Caseworker Visitations FY 2019 $46,537 Federal"

28. Page 10, line 17.
Following: "PAYMENTS"
Insert: "and for caseworker visitations"

29. Page 10.
Following: line 18
Insert: "State Sexual Risk Avoidance Education FY 2019 $149,969 Federal"

30. Page 10, line 22.
Following: "program"
Insert: "and for state sexual risk avoidance education"

And, as amended, be concurred in.

HB 21, be amended as follows:

1. Title, page 1, line 7.
Strike: "ALLOWING"
Insert: "REQUIRING"

Following: "SPECIALIST;"
Insert: "PROVIDING DUTIES; PROVIDING DIRECTION ON FUNDING FOR POSITION; PROVIDING LEGISLATIVE INTENT; PROVIDING SPENDING AUTHORIZATION;"

2. Page 1, line 18.
Following: "(2)"
Insert: "(a)"
Strike: "MAY"
Insert: "shall"

3. Page 1, line 19.
Following: "cases."
Insert: "The specialist shall:

(i) provide guidance and support to law enforcement authorities and families in the search for missing persons;

(ii) oversee entries into the database of the national crime information center of the United States department of justice and other databases to ensure records of missing persons are accurate, complete, and made in a timely fashion;

(iii) manage the state missing persons database and missing persons public information website;

(iv) network with other state and international missing persons programs and the national center for missing and exploited children to aid in locating children who are unlawfully taken out of or unlawfully brought into Montana;

(v) provide public outreach and education on missing persons issues and the prevention of child abductions;

(vi) issue alerts and advisories at the request of law enforcement authorities to activate public assistance in locating an endangered missing person; and

(vii) facilitate training for law enforcement authorities related to missing persons cases, including resources available to assist with missing persons investigations.

(b) The missing persons specialist shall complete cultural competency training."

4. Page 2, line 12.
Following: line 11
Insert: "NEW SECTION. **Section 2. Authorization -- legislative intent.** (1) For the biennium beginning July 1, 2019, the department of justice is authorized to spend $205,000 from the state special revenue account established in 44-5-306 to fund the personal services of 1 FTE to perform the services required by [this act].

(2) The legislature intends that the appropriation in this section be considered a part of the ongoing base for the 2021 legislative session."
Renumber: subsequent sections

5. Page 2.
Following: line 19
Insert: "COORDINATION SECTION. **Section 5. Coordination instruction.** If Senate Bill No. 312 is not passed and

approved, [this act] is void."
Renumber: subsequent sections

And, as amended, be concurred in.

HB 654, be amended as follows:

1. Title, page 1, line 11 through page 12.
Strike: "TRANSFERRING" on line 11 through "ACCOUNT;" on line 12

2. Title, page 1, line 14.
Strike: "A STATUTORY"
Insert: "AN"

3. Title, page 1, line 15.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 17-7-502"

4. Page 1, line 25.
Following: "formed"
Insert: ", who is a wholesaler licensed by the board of pharmacy and who is a distributor of opioids"

5. Page 3, line 24.
Following: "(1)"
Insert: "(a)"
Strike: "A"
Insert: "Except as provided in subsection (1)(b), a"

6. Page 3, line 28.
Following: line 27
Insert: "(b) A retail pharmacy is not required to obtain the license provided for in this subsection (1)."

7. Page 7, line 30 through page 8, line 1.
Following: "fund"
Strike: "." on page 7, line 30 through "administrator" on page 8, line 1

8. Page 9, line 4 through page 10, line 29.
Strike: sections 5 and 6 in their entirety

9. Page 10, line 30.
Insert: "NEW SECTION. **Section 5. Appropriation.** There is appropriated $250,000 from the state special revenue account established in [section 3] to the judicial branch in the fiscal year

beginning July 1, 2020, for the purpose of funding treatment courts as provided in [section 3(3)]. The legislature intends that this appropriation be part of the supreme court operations base budget for the 2023 biennium."
Renumber: subsequent sections

10. Page 11, line 14 through line 16.
Strike: section 10 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in.

HB 716, be amended as follows:

1. Page 1, line 17.
Following: "college."
Insert: "The memorandum must be submitted to the legislature for approval prior to becoming effective."

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 4/9/2019
HB 534, be concurred in.
HB 735, be amended as follows:

1. Page 2, line 18 through line 19.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

2. Page 3, line 3 through line 4.
Following: "outdoor areas of campus"
Strike: ", except during times" on line 3 through "for another event" on line 4

3. Page 3, line 6 through line 7.
Strike: "where" on line 6 through "commonly allowed, including" on line 7
Insert: ", such as"

4. Page 3, line 7.
Following: "walkways, or"
Insert: "other"

5. Page 3, line 9.
Strike: "outside"
Insert: "outdoor"

6. Page 3, line 9 through line 10.

Strike: "campus" on line 9 through "community" on line 10
Insert: "public"

7. Page 3, line 27.
Following: "a public forum"
Strike: "for the campus community"

8. Page 4, line 3 through line 4.
Strike: "campus" on line 3 through "community" on line 4
Insert: "public"

9. Page 4, line 14.
Strike: "campus community"
Insert: "public"

10. Page 4, line 16 through line 17.
Following: "public postsecondary institution"
Strike: "from prohibiting" on line 16 through "harassment or" on line 17

11. Page 4, line 20 through line 23.
Strike: "if:" on line 20 through "particular person or group" on line 23

12. Page 5, line 4.
Strike: "MAY"
Insert: "shall"

13. Page 5, line 28.
Strike: "campus community"
Insert: "public"

14. Page 6, line 2.
Strike: "campus community"
Insert: "public"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 12**
Report No. 001, April 9, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 12** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 12** (reference copy -- salmon) be amended as follows:

1. Page 2, following line 3.
Insert: "NEW SECTION. **Section 4. Coordination instruction.** If Senate Bill No. 40 and [this act] are passed and approved, then [section 3 of this act] must read:

"(1) There is appropriated $45,000 from the state school oil and natural gas distribution account established in 20-9-520 to the office of public instruction for the fiscal year beginning July 1, 2019, for the purposes of creating the electronic directory photograph repository pursuant to Senate Bill No. 40.

(2) There is appropriated $17,073.94 from the state school oil and natural gas distribution account established in 20-9-520 and $0.06 from the state school oil and natural gas impact account established in 20-9-517 to the department of revenue for the fiscal year beginning July 1, 2019.

(3) The department of revenue shall distribute the money appropriated in subsection (2) on or before August 1, 2019, to school districts that received distributions of 2016 4th quarter excess oil and natural gas production taxes in fiscal year 2017 as zone 1 and 2 school districts under ARM 10.11.101. The department shall distribute the money proportionally based on the formula distributions of 2016 4th quarter excess oil and natural gas production tax to zone 1 and 2 school districts, not including distributions for infrastructure grants. This money may not be counted against a district's limit of retained oil and natural gas production taxes pursuant to 20-9-310. The trustees of a district receiving a distribution under this section may deposit the money in any budgeted fund of the district."

2. Page 2, line 7.
Strike: "SECTION 3"
Insert: "Sections 3 and 4"

For the Senate:
Salomon, Chair
McClafferty
Tempel

For the House:
Vinton, Vice Chair
Funk
Grubbs

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 158**
Report No. 005, April 9, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 158** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 158** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5.
Following: "AN AUTOCYCLE"
Strike: "AND A THREE-WHEELED MOTORCYCLE"

2. Page 16, line 29 through line 30.
Following: "operation of an autocycle"
Strike: "OR A THREE-WHEELED" on line 29 through "MOTORCYCLE" on line 30

For the Senate:
Vance, Chair
Blasdel
Sands

For the House:
Usher, Vice Chair
Lynch
Ricci

Without objection, select committee reports were adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 38 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 73 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 116 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 133 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Boland, Ellis, Gross.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 268 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 276 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 39

Nays: Barrett, Bennett, Cohenour, Malek, McConnell, McNally, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 305 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McConnell, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 41

Nays: Barrett, Boland, Cohenour, Ellis, Gross, MacDonald, McClafferty, McNally, Pomnichowski.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 6 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 7 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 9 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 33

Nays: Blasdel, Bogner, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Kary, Keenan, Olszewski,

Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 11 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 39 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 33

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Salomon, Smith C, Smith F, Tempel.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 111 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber.
Total 41

Nays: Blasdel, Brown, Cuffe, Esp, Hinebauch, Kary, Keenan, Welborn, Mr President.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 302 failed (due to 2/3 vote requirement) as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 376 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 44

Nays: Brown, Fielder, Hinebauch, Howard, Vance, Mr President.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 393 concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 41

Nays: Barrett, Boland, Ellis, Flowers, Gross, Malek, McClafferty, Phillips, Pomnichowski.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 416 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F,

Tempel, Thomas, Vuckovich, Webb, Webber.
Total 34

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Olszewski, Osmundson, Salomon, Smith C, Vance, Welborn, Mr President.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 566 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Kary, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 669 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 44

Nays: Brown, Esp, Fielder, Keenan, Vance, Mr President.

Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved to appoint a conference committee on **SB 139** and request the House to appoint a like committee.

Majority Leader Thomas moved to appoint a conference committee on **SB 93** and request the House to appoint a like committee.

Majority Leader Thomas withdrew both motions.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, April 10, 2019, the seventy-fifth legislative day. Motion carried.

Senate adjourned at 3:06 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SEVENTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 10, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Fielder. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/10/2019
Correctly printed: **SJ 18**, **SJ 19**, **SJ 27**, **SR 50**, **SR 52**, **HB 34**, **HB 48**, **HB 146**, **HB 291**, **HB 341**, **HB 534**, **HB 553**, **HB 567**, **HB 608**, **HB 613**, **HB 726**.
Correctly engrossed: **HB 4**, **HB 21**, **HB 403**, **HB 413**, **HB 431**, **HB 597**, **HB 631**, **HB 654**, **HB 716**, **HB 735**.
Correctly enrolled: **SB 133**, **SB 183**, **SB 305**.
Examined by the sponsor and found to be correct: **SB 26**, **SB 40**, **SB 70**, **SB 79**, **SB 124**, **SB 165**, **SB 213**, **SB 218**, **SB 222**, **SB 236**, **SB 255**, **SB 304**, **SB 311**, **SJ 4**, **SJ 6**, **SJ 16**.
Transmitted to the House: **HB 6**, **HB 7**, **HB 9**, **HB 11**, **HB 39**, **HB 111**, **HB 376**, **HB 393**, **HB 416**, **HB 566**, **HB 669**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 4/9/2019
HB 431, be amended as follows:

1. Page 9.
Following: line 16
Insert: "COORDINATION SECTION. **Section 14. Coordination instruction.** If both House Bill No. 52 and [this act] are passed and approved, and if both contain a section that amends 15-35-108, then the section of [this act] amending 15-35-108 is void."
Renumber: subsequent sections

And, as amended, be concurred in.

HB 607, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/10/2019
HB 757, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/9/2019
HB 403, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "REVISING" on line 5 through "MINES;" on line 6

2. Title, page 1, line 6.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 15-23-715"

3. Page 1, line 20.
Strike: "2.5%"
Insert: "5%"

4. Page 1, line 24.
Strike: ":"

5. Page 1, line 25.
Strike: "(A)"

6. Page 1, line 26 through line 29.
Strike: "FOR" on line 26 through "LEVIES" on line 29

7. Page 3, line 21 through page 4, line 15.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in.

HB 467, be amended as follows:

1. Page 3, line 29.
Strike: subsection (a) in its entirety
Insert: "(a) any portion of an electrical generating facility owned by an electric utility used to serve customers in Montana; or"

And, as amended, be concurred in.

HB 597, be amended as follows:

1. Title, page 1, line 10.
Strike: "APPROVED" through "COMMISSION"

2. Title, page 1, line 11.
Following: "PROCESS;"
Insert: "ALLOWING THE MONTANA CONSUMER COUNSEL TO REQUEST, SELECT, AND RETAIN AN INDEPENDENT MONITOR FOR COMPETITIVE SOLICITATIONS;"

3. Title, page 1, line 14 through line 15.
Strike: "ESTABLISHING" on line 14 through "PROCESS;" on line 15

4. Title, page 1, line 16 through line 17.
Strike: "REQUIRING" on line 16 through the first "PLANS;" on line 17

5. Title, page 1, line 18 through line 21.
Strike: "REVISING" on line 18 through "PLAN;" on line 21

6. Title, page 1, line 26 through line 28.
Strike: "PROHIBITING" on line 26 through "DECISIONS;" on line 28

7. Title, page 2, line 3 through line 4.
Strike: "AN" on line 3 through "APPLICABILITY" on line 28
Insert: "A DELAYED EFFECTIVE"

8. Page 2, line 8 through page 28, line 15.
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Competitive solicitation process -- Montana consumer counsel role.** (1) (a) Except as provided in subsection (5), a public utility that intends to seek approval by the commission pursuant to 69-8-421 for the acquisition, construction, or purchase of an electricity supply resource shall conduct a competitive solicitation process.

(b) A public utility may not prohibit a qualifying small power production facility as defined in 69-3-601 or another utility or supplier that owns an electricity supply resource or intends to construct an electricity supply resource from participating in a competitive solicitation process.

(c) A competitive solicitation process that is open to bids that would result in the ownership of an electricity supply resource by the public utility issuing the solicitation must include the use of a third-party administrator selected by the public utility to open, consider, and evaluate bids submitted pursuant to a solicitation.

(2) A public utility that plans to conduct a competitive solicitation process shall submit the following information to the commission:

(a) a description of the competitive solicitation process that the public utility will use and proof of compliance with subsections (1)(b) and (1)(c), if applicable; and

(b) a complete draft of the proposal soliciting electricity supply resources, citing the need for resources.

(3) The commission may accept public comment on the information.

(4) (a) The Montana consumer counsel may request, select, and retain a person or organization to act as an independent monitor for a competitive solicitation process.

(b) The commission shall charge a fee to the public utility to pay for the costs of an independent monitor. These costs are recoverable in rates.

(c) The independent monitor may assist the Montana consumer counsel by:

(i) providing comments on the consistency of the competitive solicitation process with industry standards;

(ii) monitoring and observing the competitive solicitation process, paying particular attention to the public utility's evaluation of electricity supply resources that may result in utility ownership of the resource, to ensure that the utility conducts a fair and proper process in accordance with industry standards;

(iii) notifying the utility and the consumer counsel on a timely basis prior to the utility's

selection of the resources of any discrepancies observed in the process and resolving any differences of opinion; and

(iv) preparing a closing report prior to the final selection of the resources regarding the consistency of the process, including selection and notification of electricity supply resources taking part in the solicitation process based on industry standards.

(5) This section does not apply to:

(a) a request for proposals or purchase by a public utility intended solely to meet the short-term operational needs of the utility for a period of less than 3 years; or

(b) an application made to the commission by a public utility to acquire, construct, or purchase an opportunity resource.

(6) For the purposes of this section, "opportunity resource" means an electricity supply resource, either new or existing, that remains unknown as to its availability for purchase until an opportunity to purchase arises."

Insert: "NEW SECTION. **Section 2. Resource planning -- advisory committee.** (1) A public utility shall maintain a broad-based advisory committee to review, evaluate, and make recommendations on technical, economic, and policy issues related to a utility's electricity system.

(2) The committee may advise the utility on demand-side management, portfolio planning, and management and procurement completed in accordance with this part."

Insert: "NEW SECTION. **Section 3. Electric utility demand-side management programs.** (1) The commission may establish energy savings and peak demand reduction goals for an electric utility, taking into account the utility's cost-effective demand-side management potential and the need for electricity resources.

(2) The commission shall permit electric utilities to implement cost-effective electricity demand-side
management programs and conservation in accordance with 69-3-701 through 69-3-713 and this part to reduce the need for additional resources.

(3) Every 3 years, an electric utility shall submit a report to the commission describing the demand-side management programs and conservation implemented by the electric utility in the previous year. The report must document:

(a) program expenditures, including incentive payments;

(b) peak demand and energy savings impacts and the techniques used to estimate those impacts;

(c) avoided costs and the techniques used to estimate those costs;

(d) the estimated cost-effectiveness of the programs;

(e) the net economic benefits of the programs; and

(f) any other information required by the commission."

Insert: "NEW SECTION. **Section 4. Hearings examiner.** (1) (a) Except as provided in subsections (1)(b) and (1)(c), if requested by the applicant, the commission shall appoint a hearings examiner for proceedings under this title.

(b) If four public service commissioners determine that a hearings examiner is not required for a proceeding, the commission is not required to appoint a hearings examiner.

(c) If three public service commissioners determine that a hearings examiner is necessary for a proceeding, the commission shall appoint a hearings examiner.

(d) The determinations in this subsection (1) must be made by a vote of the commission during a public meeting.

(e) If a hearings examiner is appointed, the commission may assess the costs to the applicant.

(f) The commission may disqualify the hearings examiner and appoint another hearings examiner. The affidavit must state the facts and the reasons for the belief that the hearings examiner should be disqualified.

(2) The hearings examiner may not communicate with any party or a party's representative in connection with any issue of fact or law in the case unless there is notice and opportunity for all parties to participate. The commission may not communicate with any party before the conclusion of the hearing.

(3) The commission may adopt rules necessary to implement the utilization of a hearings examiner in accordance with this section."

Insert: "Section 5. Section 69-1-114, MCA, is amended to read:

"69-1-114. Fees. (1) Each fee charged by the commission must be reasonable.

(2) Except for a fee assessed pursuant to 69-3-204(2), [section 1(4)(b)], ~~69-8-421(10)~~ 69-3-1204(6)(b), or 69-12-423(2), a fee set by the commission may not exceed $500.

(3) All fees collected by the department under ~~69-8-421(10)~~ [section 1(4)(b)] and 69-3-1204(6)(b) must be deposited in an account in the special revenue fund. Funds in this account must be used as provided in ~~69-8-421(10)~~ [section 1(4)(b)] and 69-3-1204(6)(b).""

Insert: "Section 6. Section 69-3-702, MCA, is amended to read:

"69-3-702. Eligible conservation. Conservation purchases or investments are eligible under this part if they are provided for in 69-3-1206 and in accordance with [section 3].""

Insert: "Section 7. Section 69-3-711, MCA, is amended to read:

"69-3-711. Criteria for allowable conservation and demand-side management programs -- onsite audits. (1) The commission shall approve cost-effectiveness criteria for conservation that ~~will~~ may be placed into a utility's rate base under this part and demand-side management programs in accordance with 69-3-1201 through 69-3-1206 and [sections 1 through 3].

(2) The commission may conduct onsite energy audits to ensure compliance with the criteria established under subsection (1).""

Insert: "Section 8. Section 69-3-712, MCA, is amended to read:

"69-3-712. Commission to include conservation and demand-side management programs in rate base -- rate of return. (1) In order to encourage the purchase of or investment in conservation by a utility, the commission ~~shall~~ may include conservation purchases or investments and demand-side management programs eligible under 69-3-702 and in compliance with criteria adopted under 69-3-711, 69-3-1201 through 69-3-1206, and [sections 1 through 3] in a utility's rate base.

(2) In establishing ~~such~~ the rate of return, the commission may allow an increment of up to 2% added to the rate of return on common equity permitted on the utility's other investments.

(3) The commission shall allow the rate of return increment provided for in subsection (2) for a period not to exceed 30 years after the conservation is first placed in the rate base.

(4) The commission shall prescribe amortization periods for conservation that is included in a utility's rate base.""

Insert: "Section 9. Section 69-3-713, MCA, is amended to read:

"69-3-713. Prohibition against utility claiming conservation tax credit. A utility whose conservation is placed in the rate base under ~~this part~~ 69-3-1201 through 69-3-1206 and [sections

1 through 3] or this part may not claim the tax credit allowed in 15-32-107.""

Insert: "Section 10. Section 69-3-1202, MCA, is amended to read:

"69-3-1202. Policy -- planning. (1) (a) It is the policy of the state ~~of Montana~~ to supervise, regulate, and control public utilities. To the extent that it is consistent with the policy and in order to benefit society, the state ~~encourages~~ requires efficient utility operations, efficient use of utility services, and efficient rates.

(b) It is further the policy of the state to encourage utilities to acquire resources using a competitive solicitation process and in a manner that will help ensure a clean, healthful, safe, and economically productive environment.

(2) (a) The legislature finds that the commission may include in rates ~~the~~ any costs that are associated with acquiring ~~the~~ resources referred to in subsection (1) and that are consistent with this policy if the resources are actually used and useful for the convenience of the public.

(b) To advance this policy, the commission ~~may~~ shall require ~~periodic~~ long-range plans every 3 years from utilities that provide electric and natural gas service in a form and manner determined by the commission. The commission ~~may~~ shall receive comments on the plans.

(3) This part does not constrain or limit the commission's existing statutory duties or responsibilities.""

Insert: "Section 11. Section 69-3-1203, MCA, is amended to read:

"69-3-1203. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Abandonment costs" means the costs incurred for resources acquired and abandoned pursuant to a plan.

(2) "Consumer counsel" means the consumer counsel provided for in 5-15-201.

(3) "Demand-side management programs" means energy efficiency, energy conservation, load management, and demand response or any combination of these measures implemented by an electric utility.

(4) "Energy conservation" means the decrease in electricity requirements of specific customers during any selected time period, resulting in a reduction in end-use services.

(5) "Energy efficiency" means the decrease in electricity requirements of specific customers during any selected period with end-use services of those customers held constant.

~~(3)~~(6) "Externalities" mean the impacts on society that are not directly borne by the producer in production and delivery activities, which due to imperfections in or the absence of markets are not accounted for in the producer's production and pricing decisions.

~~(4)~~(7) "Plan" means an integrated least-cost resource plan submitted by a utility in accordance with this part and the rules adopted under this part.

~~(5)~~(8) "Planning costs" means the costs of evaluating the future demand for services and of evaluating alternative methods of satisfying future demand.

(9) "Planning period" means the future period for which a utility develops its plan, and the period over which net present value of revenue requirements for resources is calculated. For purposes of this part, the planning period is a minimum of 20 years and begins from the date the utility files its plan with the commission.

~~(6)~~(10) "Portfolio development costs" means the costs of preparing a resource in a portfolio for prompt and timely acquisition of the resource.

~~(7)~~(11) "Public utility" means a public utility, as defined in 69-3-101, that provides electric or natural gas service. The term does not include municipal utilities.""

Insert: "Section 12. Section 69-3-1204, MCA, is amended to read:

"69-3-1204. Integrated least-cost plan. (1) (a) The commission ~~may~~ shall adopt rules requiring a public utility to prepare and file a plan every 3 years for meeting the requirements of its customers in the most cost-effective manner consistent with the public utility's obligation to serve and in accordance with this part.

(b) The rules ~~may~~ must prescribe the content and the time for filing a plan.

(2) (a) A plan must contain but is not limited to:

(i) an evaluation of the full range of cost-effective means for the public utility to meet the service requirements of its Montana customers, including conservation or similar improvements in the efficiency by which services are used and including demand-side management programs in accordance with [section 3];

(ii) an annual electric demand and energy forecast developed pursuant to commission rules that includes energy and demand forecasts for each year within the planning period and historical data, as required by commission rule;

(iii) an assessment of planning reserve margins and contingency plans for the acquisition of additional resources developed pursuant to commission rules;

(iv) an assessment of the need for additional resources and the utility's plan for acquiring resources;

(v) the proposed process the utility intends to use to solicit bids for energy and capacity resources to be acquired through a competitive solicitation process in accordance with [section 1]; and

(vi) descriptions of at least two alternate scenarios that can be used to represent the costs and benefits from increasing amounts of renewable energy resources and demand-side management programs, based on rules developed by the commission.

(b) The utility shall fully explain, justify, and document the data, assumptions, methodologies, models, determinants, and any other inputs on which it relied to develop information required in subsection (2)(a).

(3) (a) The commission may adopt rules providing guidelines to be used in preparing a plan and identifying the criteria to be used in determining cost-effectiveness.

(b) The criteria may include externalities associated with the acquisition of a resource by a public utility.

(c) The rules must establish the minimum filing requirements for acceptance of a plan by the commission for further review. If a plan does not meet the minimum filing requirements, it must be returned to the public utility with a list of deficiencies. A corrected plan must be submitted within the time established by the commission.

(4) A plan filed with the commission by a utility, as defined in 75-20-104, must be provided to the department of environmental quality and the consumer counsel.

(5) The commission shall:

(a) review the plan;

(b) publish a copy of the plan;

(c) allow for a minimum of 60 days for the public to comment on the plan; and

(d) provide public meetings in accordance with 69-3-1205.

(6) (a) The commission may identify deficiencies in the plan, including:

(i) any concerns of the commission regarding the public utility's compliance with commission rules; and

(ii) ways to remedy the concerns.

(b) The commission may engage independent engineering, financial, and management consultants or advisory services to evaluate a public utility's plan. The consultants must have demonstrated knowledge and experience with resource procurement and resource portfolio management, modeling, risk management, and engineering practices. The commission shall charge a fee to the public utility to pay for the costs of consultants or advisory services. These costs are recoverable in rates.""

Insert: "Section 13. Section 69-3-1205, MCA, is amended to read:

"69-3-1205. Public comment -- public meetings. (1) When developing a plan in accordance with this part and prior to submitting a plan to the commission, a public utility shall hold at least two public meetings in the utility's Montana service territory to ensure a plan best meets the diverse goals of shareholders, ratepayers, and society.

~~(1)~~(2) ~~The~~ After a plan is submitted, the commission shall conduct ~~a~~ two public ~~meeting~~ meetings for the purpose of receiving comment on a plan. The commission or the department of public service regulation may comment on the plan. A comment by the commission or the department may not be construed as preapproval by the commission of rate treatment for any proposed resource.

~~(2)~~(3) The department of environmental quality:

(a) shall review a plan submitted to the commission and comment on the need for new resources, the alternatives evaluated to meet the need, the environmental implications of the resource choices, and other related issues that it considers important. The department shall coordinate and deliver all comments from other executive branch agencies.

(b) may use a plan in the development of studies for a specific energy facility for which an application for a certificate of compliance is submitted under Title 75, chapter 20.

~~(3)~~(4) The consumer counsel shall review and may comment on a submitted plan.""

Insert: "Section 14. Section 69-3-1206, MCA, is amended to read:

"69-3-1206. Rate treatment. (1) The commission may include in a public utility's rates:

(a) the cost of resources acquired in accordance with a plan;

(b) demand-side management programs established and implemented in accordance with [section 3]; and

~~(b)~~(c) the cost-effective expenditures for improving the efficiency with which the public utility provides and its customers use utility services.~~; and~~

~~(c)~~(2) The commission shall include in a public utility's rates the costs of complying with the planning requirements of this part and the costs of complying with a competitive solicitation process conducted in accordance with [section 1].~~, including~~ Costs include but are not limited to:

~~(i)~~(a) planning costs;

~~(ii)~~(b) portfolio development costs; and

~~(iii)~~(c) all or a portion of abandonment costs.

~~(2)~~(3) The commission ~~shall~~ may adopt rules establishing criteria governing the extent of recovery of abandonment costs.""

Insert: "Section 15. Section 69-8-421, MCA, is amended to read:

"69-8-421. Approval of electricity supply resources. (1) A public utility that removed its generation assets from its rate base pursuant to this chapter prior to October 1, 2007, may apply to the commission for approval of an electricity supply resource that:

(a) is not yet procured; and

(b) is subject to a competitive solicitation process when applicable in accordance with [section 1].

(2) Within 45 days of the public utility's submission of an application for approval, the commission shall determine whether or not the application is adequate and in compliance with the commission's minimum filing requirements. If the commission determines that the application is inadequate, it shall explain the deficiencies.

(3) The commission shall issue an order within 180 days of receipt of an adequate application for approval of a power purchase agreement from an existing generating resource unless it determines that extraordinary circumstances require additional time.

(4) (a) Except as provided in subsections (4)(b) through (4)(d), the commission shall issue an order within 270 days of receipt of an adequate application for approval of a lease, an acquisition of an equity interest in a new or existing plant or equipment used to generate electricity, or a power purchase agreement for which approval would result in construction of a new electric generating resource. The commission may extend the time limit up to an additional 90 days if it determines that extraordinary circumstances require it.

(b) If an air quality permit pursuant to Title 75, chapter 2, is required for a new electrical generation resource or a modification to an existing resource, the commission shall hold the public ~~hearing~~ meetings on the application for approval in accordance with 69-3-1205(2) at least 30 days after the issuance of the final air quality permit.

(c) If a final air quality permit is not issued within the time limit pursuant to subsection (4)(a), the commission shall extend the time limit in order to comply with subsection (4)(b).

(d) The commission may extend the time limit for issuing an order for an additional 60 days following the ~~hearing~~ meetings pursuant to subsection (4)(b).

(5) To facilitate timely consideration of an application, the commission may initiate proceedings to evaluate planning and procurement activities related to a potential resource procurement, if necessary, in accordance with [section 1] prior to the public utility's submission of an application for approval.

(6) (a) The commission may approve or deny, in whole or in part, an application for approval of an electricity supply resource.

(b) The commission may consider all relevant information known up to the time that the administrative record in the proceeding is closed in the evaluation of an application for approval.

(c) A commission order granting approval of an application must include the following findings:

(i) approval, in whole or in part, is in the public interest; and

(ii) procurement of the electricity supply resource is consistent with the requirements and objectives in 69-3-201, ~~the objectives in 69-8-419~~ 69-3-1201 through 69-3-1206, [sections 1 through 3], and commission rules.

(d) The commission order may include a provision for allowable generation assets cost of service when the utility has filed an application for the lease or acquisition of an equity interest in a plant or equipment used to generate electricity.

(e) When issuing an order for the acquisition of an equity interest or lease in a facility or equipment that is constructed after January 1, 2007, and that is used to generate electricity that is primarily fueled by natural or synthetic gas, the commission shall require the applicant to implement cost-effective carbon offsets. Expenditures required for cost-effective carbon offsets pursuant to this subsection (6)(e) are fully recoverable in rates. By March 31, 2008, the commission shall adopt rules for the implementation of this subsection (6)(e).

(f) The commission order may include other findings that the commission determines are necessary.

(g) A commission order that denies approval must describe why the findings required in subsection (6)(c) could not be reached.

(7) Notwithstanding any provision of this chapter to the contrary, if the commission has issued an order containing the findings required under subsection (6)(c), the commission may not subsequently disallow the recovery of costs related to the approved electricity supply resource based on contrary findings.

(8) Until the state or federal government has adopted uniformly applicable statewide standards for the capture and sequestration of carbon dioxide, the commission may not approve an application for the acquisition of an equity interest or lease in a facility or equipment used to generate electricity that is primarily fueled by coal and that is constructed after January 1, 2007, unless the facility or equipment captures and sequesters a minimum of 50% of the carbon dioxide produced by the facility. Carbon dioxide captured by a facility or equipment may be sequestered offsite from the facility or equipment.

(9) Nothing limits the commission's ability to subsequently, in any future rate proceeding, inquire into the manner in which the public utility has managed, dispatched, operated, or maintained any resource or managed any power purchase agreement as part of its overall resource portfolio. The commission may subsequently disallow rate recovery for the costs that result from the failure of a public utility to reasonably manage, dispatch, operate, maintain, or administer electricity supply resources in a manner consistent with 69-3-201~~, 69-8-419,~~ and commission rules.

~~(10) The commission may engage independent engineering, financial, and management consultants or advisory services to evaluate a public utility's electricity supply resource procurement plans and proposed electricity supply resources. The consultants must have demonstrated knowledge and experience with electricity supply procurement and resource portfolio management, modeling, risk management, and engineering practices. The commission shall charge a fee to the public utility to pay for the costs of consultants or advisory services. These costs are recoverable in rates.~~

~~(11)~~(10) ~~By March 31, 2008, the~~ The commission shall adopt rules prescribing minimum filing requirements for applications filed pursuant to this part.""

Insert: "NEW SECTION. **Section 16. Repealer.** The following sections of the Montana Code Annotated are repealed:

69-8-419. Electricity supply resource planning and procurement -- duties of public utility -- objectives -- commission rules.

69-8-420. Electricity supply resource procurement plans -- comment on plans."

Insert: "NEW SECTION. **Section 17. Codification instruction.** (1) [Sections 1 through 3] are intended to be codified as an integral part of Title 69, chapter 3, part 12, and the provisions of Title 69, chapter 3, part 12, apply to [sections 1 through 3].

(2) [Section 4] is intended to be codified as an integral part of Title 69, chapter 2, part 1, and the provisions of Title 69, chapter 2, part 1, apply to [section 4]."

Insert: "NEW SECTION. **Section 18. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Insert: "NEW SECTION. **Section 19. Saving clause.** [This act] does not affect rights and

duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."
Insert: "NEW SECTION. **Section 20. Effective date.** [This act] is effective July 1, 2020."

And, as amended, be concurred in.

FISH AND GAME (Fielder, Chair): 4/9/2019
HB 311, be concurred in.
HB 423, be concurred in.
HB 432, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/9/2019
HB 717, be concurred in.
HB 719, be concurred in.
HB 748, be concurred in.
HB 756, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

Regarding appointments to the Commission on Human Rights, the Board of Dentistry, and the Board of Hail Insurance:

April 5, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the included list of board, council, and commission appointments for confirmation.

I have included the appropriate statutes and appointees' resumes, biography or other qualification documentation for your consideration.

Stacey Otterstrom, my Boards and Appointments Advisor, is available as these appointments

move through the confirmation process. She can be reached at (406) 444-4405 or by email at sotterstrom@mt.gov.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/9/2019

SB 195, introduced by J. Cohenour
SB 241, introduced by J. Welborn
SB 271, introduced by M. Lang

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/9/2019

SB 200, introduced by R. Webb
SB 269, introduced by M. MacDonald
SB 318, introduced by R. Webb

Senate bills not concurred in and returned to the Senate: 4/8/2019

SB 53, introduced by J. Sesso
SB 234, introduced by S. Fitzpatrick

SB 134 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 134:**

4/9/2019

Representative Mandeville, Vice Chair
Representative Hayman
Representative P. Webb

SJ 3 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SJ 3:**

4/9/2019

Representative Skees, Vice Chair
Representative Fern
Representative Zolnikov

HB 16 - The House failed to concur in Senate amendments to **HB 16,** authorized the Speaker to

appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 16:**

4/9/2019

Representative Fern, Vice Chair
Representative T. Moore
Representative Welch

House joint resolution passed and transmitted to the Senate for concurrence: 4/9/2019

HJ 34, introduced by A. Olsen

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolution was introduced, read first time, and referred to committee:

SR 53, introduced by D. Howard, referred to Public Health, Welfare and Safety.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 28, introduced by D. Sands, G. Vance, referred to Highways and Transportation.
SJ 29, introduced by D. Brown, referred to State Administration.
SJ 30, introduced by J. Cohenour, J. Pomnichowski, referred to Fish and Game.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 34, introduced by A. Olsen, referred to Highways and Transportation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jacobson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 658 - Majority Leader Thomas moved consideration of **HB 658** be passed for the day. Without objection, so ordered.

Senator Thomas excused at this time.

HB 433 - Senator Olszewski moved **HB 433** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Vance, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, MacDonald, Malek, McClafferty, McConnell, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 17

Paired: None.

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

Senator Thomas present at this time.

HB 598 - Senator Olszewski moved **HB 598** be concurred in.

HB 598 - Senator Cohenour moved **HB 598**, second reading copy, be amended as follows:

1. Page 1, line 11.
Following: "**INSPECT**"
Strike: "**STATE**"
Insert: "**testing**"

2. Page 3.
Following: line 18
Insert: "(c) The term does not include a third party with whom a licensee has a contractual relationship.
(8) "Financial interest" means a legal or beneficial interest that entitles the holder, directly or indirectly through a business, an investment, or a spouse, parent, or child relationship, to 1% or more of the net profits or net worth of the entity in which the interest is held."
Renumber: subsequent subsections

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 598 - As amended, **HB 598** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Hinebauch, Howard, Smith C.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 67 - **House Amendments** - Senator Gillespie moved House amendments to **SB 67** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 40

Nays: Bennett, Ellis, Gross, Malek, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 92 - **House Amendments** - Senator Salomon moved House amendments to **SB 92** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 93 - **House Amendments** - Senator Richmond moved do **not** concur in House amendments to **SB 93**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich,

Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 139 - **House Amendments** - Senator Lang moved do **not** concur in House amendments to **SB 139**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 41

Nays: Barrett, Bennett, Cohenour, Ellis, Flowers, MacDonald, Malek, Pomnichowski, Vuckovich.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 162 - **House Amendments** - Senator R. Webb moved House amendments to **SB 162** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Fielder, Vance.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 205 - **House Amendments** - Senator Fitzpatrick moved House amendments to **SB 205** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 40

Nays: Barrett, Bennett, Boland, Cohenour, MacDonald, Malek, McClafferty, Pomnichowski, Smith F, Vuckovich.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 232 - **House Amendments** - Senator Bennett moved House amendments to **SB 232** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Blasdel, Keenan, Olszewski, Osmundson, Smith C, Vance, Mr President.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 258 - **House Amendments** - Senator Cuffe moved House amendments to **SB 258** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 262 - **House Amendments** - Senator Cohenour moved House amendments to **SB 262** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 440 - Senator Gross moved **HB 440** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 38

Nays: Ankney, Blasdel, Esp, Hinebauch, Howard, Kary, Osmundson, Smith C, Thomas, Vance, Webb, Mr President.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 695 - Senator Salomon moved **HB 695** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 43

Nays: Brown, Esp, Hinebauch, Tempel, Vance, Webb, Mr President.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 21 - Senator Ellis moved **SJ 21** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vance, Vuckovich, Webber.
Total 29

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Webb, Welborn, Mr President.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 10 - Senator F. Smith moved **HJ 10** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber.
Total 36

Nays: Blasdel, Bogner, Ellsworth, Esp, Hinebauch, Howard, Keenan, Lang, Smith C, Tempel, Vance, Webb, Welborn, Mr President.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 23 - Senator F. Smith moved **HJ 23** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber.
Total 33

Nays: Blasdel, Brown, Ellsworth, Esp, Fielder, Hinebauch, Howard, Keenan, Osmundson, Regier, Salomon, Smith C, Tempel, Vance, Webb, Welborn, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 300 - **House Amendments** - Senator Bogner moved House amendments to **SB 300** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 40

Nays: Boland, Cohenour, Ellis, Fitzpatrick, Kary, McConnell, Olszewski, Pomnichowski, Smith F, Vuckovich.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 36 - Senator Small moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 36**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 39 - Senator D. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 39**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 48

Nays: Lang, Webb.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 40 - Senator D. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 40**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Mr President.
Total 32

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Hinebauch, Hoven, Howard, Kary, Lang, Olszewski, Osmundson, Smith C, Tempel, Vance, Webb, Welborn.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 41 - Senator D. Brown that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 41**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 42 - Senator D. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 42**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 43 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 43**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Fielder, Vance.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 46 - Senator Fitzpatrick moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 46**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 47 - Senator Salomon moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 47**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 49 - Senator D. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 49**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SR 51 - Senator Howard moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 51**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Jacobson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Kary.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 18 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webb, Webber.
Total 29

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Salomon, Smith C, Tempel, Thomas, Vance, Welborn, Mr President.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 19 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 33

Nays: Blasdel, Brown, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Salomon, Smith C, Thomas, Vance, Webb, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 35 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 48

Nays: Pomnichowski, Webber.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 34 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 48 failed as follows:

Yeas: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Kary, Lang, Olszewski, Regier, Richmond, Salomon, Small, Thomas, Webb, Mr President.
Total 21

Nays: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gillespie, Gross, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Sands, Sesso, Smith C, Smith F, Tempel, Vance, Vuckovich, Webber, Welborn.
Total 29

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 146 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include change of votes made under Motions by Senator Gross from Yes to No, and by Senator Webber from Yes to No.

HB 172 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty,

McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 37

Nays: Blasdel, Brown, Cuffe, Esp, Hinebauch, Hoven, Howard, Keenan, Regier, Smith C, Vance, Welborn, Mr President.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include change of vote made under Motions by Senator MacDonald from No to Yes.

HB 291 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include change of vote made under Motions by Senator Vuckovich from No to Yes.

HB 553 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally,

Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/10/2019
HB 5, be amended as follows:

1. Page 9.
Following: line 18
Insert: "COORDINATION SECTION. **Section 12. Coordination instruction.**If both [this act] and Senate Bill No. 338 are passed and approved, [section 2 of Senate Bill No. 338] must read as follows:

"NEW SECTION. **Section 2. Authorization to construct Montana heritage center.**(1) The department of administration is authorized to construct the Montana heritage center, which may include the remodel of the veterans' and pioneer memorial building.

(2) The department of administration shall, to the fullest extent possible, analyze, negotiate, and pursue purchasing the area bounded by Prospect avenue, 11th avenue, North Sanders street, and North Oakes street in Helena, Montana, containing approximately 9.4 acre lots, as the location of the Montana Heritage Center.

(3) The department of administration may construct the Montana heritage center in phases.

(4) This section constitutes legislative consent for the construction of the Montana heritage center within the meaning of 18-2-102.""

Insert: "COORDINATION SECTION. **Section 13. Coordination instruction.** If House Bill No. 652 is not passed and approved, the appropriation to the department of administration for Life Safety and Deferred Maintenance, Statewide, in [section 2 of this act] is increased from $1,550,000 to $3,550,000."

Insert: "COORDINATION SECTION. **Section 14. Coordination instruction.** (1) If House Bill No. 553 is passed and approved and House Bill No. 652 is not passed and approved, or if House Bill No. 553 is passed and approved and House Bill No. 652 is passed and approved and does not contain at least $25 million in state funding for Romney Hall, the state treasurer shall transfer $25 million from the general fund, less any state funding provided

in House Bill No. 652 for Romney Hall, to the capital developments long-range building program account established in [section 5 of House Bill No. 553].

(2) For the capital project for Romney Hall for the biennium beginning July 1, 2019, the amount transferred to the capital developments long-range building program account established in [section 5 of House Bill No. 553] pursuant to subsection (1) is appropriated to the department of administration and $7 million is authorized from donations or university funds."

Insert: "COORDINATION SECTION. **Section 15. Coordination instruction.** If both [this act] and House Bill No. 652 are passed and approved, the appropriation in [section 8 of House Bill No. 652] is $21.5 million."

Renumber: subsequent sections

And, as amended, be concurred in.

HB 10, be concurred in.
HB 567, be concurred in.

Without objection, committee reports were adopted.

MOTIONS

Senator Gross moved to change her third-reading vote on **HB 146** from Yes to No. Without objection, so ordered.

Senator MacDonald moved to change her third-reading vote on **HB 172** from No to Yes. Without objection, so ordered.

Senator Vuckovich moved to change his third-reading vote on **HB 291** from No to Yes. Without objection, so ordered.

Senator Webber moved to change her third-reading vote on **HB 146** from Yes to No. Without objection, so ordered.

Majority Leader Thomas moved to appoint a Conference Committee on **SB 93** and request the House to appoint a like committee. Motion carried. President Sales appointed:

Senator Richmond, Chair
Senator Cuffe
Senator Vuckovich

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 16**. Motion carried. President Sales appointed:

Senator R. Webb, Chair
Senator Blasdel
Senator McClafferty

Majority Leader Thomas moved to appoint a Conference Committee on **SB 139** and request the House to appoint a like committee. Motion carried. President Sales appointed:

Senator Lang, Chair
Senator McConnell
Senator Salomon

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, April 11, 2019, the seventy-sixth legislative day. Motion carried.

Senate adjourned at 2:14 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SEVENTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 11, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Webber. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/11/2019
Correctly printed: **SR 53**, **SJ 21**, **SJ 28**, **SJ 29**, **SJ 30**, **HB 10**, **HB 311**, **HB 423**, **HB 432**, **HB 433**, **HB 440**, **HB 567**, **HB 607**, **HB 695**, **HB 717**, **HB 719**, **HB 748**, **HB 756**, **HB 757**, **HJ 10**, **HJ 23**.
Correctly engrossed: **SJ 23**, **HB 5**, **HB 411**, **HB 439**, **HB 467**, **HB 555**, **HB 598**, **HB 660**, **HB 676**, **HB 696**.
Correctly enrolled: **SB 73**, **SB 116**, **SB 195**, **SB 241**, **SB 268**, **SB 271**, **SB 276**, **SR 36**, **SR 39**, **SR 40**, **SR 41**, **SR 42**, **SR 43**, **SR 46**.
Examined by the sponsor and found to be correct: **SB 133**, **SB 183**, **SB 305**.
Transmitted to the House: **SJ 18**, **SJ 19**, **HB 34**, **HB 146**, **HB 172**, **HB 291**, **HB 553**.

Senator Lang arose on a point of personal privilege to read a letter from Jack Racicot and acknowledge the flowers received by the Senate from the Racicot family.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Salomon, Chair): 4/10/2019
SJ 23, introduced joint resolution, be amended as follows:

1. Page 1, line 19.
Following: "context"
Insert: "and causes"

2. Page 1, line 26.
Strike: "alterative"
Insert: "alternative"

3. Page 2, line 1.
Strike: "alternatives"
Insert: "alternative solutions"

And, as amended, be adopted.

FINANCE AND CLAIMS (Osmundson, Chair): 4/11/2019
HB 52, be concurred in.
HB 773, be amended as follows:

1. Title, line 8.
Following: line 7
Insert: "GENERALLY REVISING LAWS RELATED TO THE FUNDING FOR THE OFFICE OF THE STATE PUBLIC DEFENDER; PROVIDING FOR A FIXED PERCENTAGE FOR THE LOCAL GOVERNMENT CONTRIBUTION RATE FOR FUNDING THE OFFICE;"

2. Title, line 10.
Following: "~~RATES;~~"
Insert: "REQUIRING REPORTING OF THE ANALYSIS COMPARING CERTAIN GROWTH RATES;"

3. Title, line 11.
Following: "~~MCA;~~"
Insert: "AMENDING SECTIONS 15-1-121 AND 47-1-125, MCA;"

4. Page 2, line 2.
Following: "justice"
Insert: "or a judiciary standing committee"

5. Page 2, line 12.
Strike: "legislative services division in conjunction with the"

6. Page 2, line 13.
Following: "force."
Insert: "The legislative services division may provide assistance upon request of the task force."

7. Page 2, line 22.
Strike: "and"

8. Page 2, line 23.
Following: "committee"
Insert: ", and the local government interim committee"

9. Page 3, line 2.
Insert: "Section 3. Section 15-1-121, MCA, is amended to read:

"15-1-121. Entitlement share payment -- purpose -- appropriation. (1) As described in 15-1-120(3), each local government is entitled to an annual amount that is the replacement for revenue received by local governments for diminishment of property tax base and various earmarked fees and other revenue that, pursuant to Chapter 574, Laws of 2001, amended by section 4, Chapter 13, Special Laws of August 2002, and later enactments, were consolidated to provide aggregation of certain reimbursements, fees, tax collections, and other revenue in the state

treasury with each local government's share. The reimbursement under this section is provided by direct payment from the state treasury rather than the ad hoc system that offset certain state payments with local government collections due the state and reimbursements made by percentage splits, with a local government remitting a portion of collections to the state, retaining a portion, and in some cases sending a portion to other local governments.

(2) The sources of dedicated revenue that were relinquished by local governments in exchange for an entitlement share of the state general fund were:

(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(b) vehicle, boat, and aircraft taxes and fees pursuant to:

(i) Title 23, chapter 2, part 5;

(ii) Title 23, chapter 2, part 6;

(iii) Title 23, chapter 2, part 8;

(iv) 61-3-317;

(v) 61-3-321;

(vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001;

(vii) Title 61, chapter 3, part 7;

(viii) 5% of the fees collected under 61-10-122;

(ix) 61-10-130;

(x) 61-10-148; and

(xi) 67-3-205;

(c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);

(d) district court fees pursuant to:

(i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);

(ii) 25-1-202;

(iii) 25-9-506; and

(iv) 27-9-103;

(e) certificate of title fees for manufactured homes pursuant to 15-1-116;

(f) financial institution taxes collected pursuant to the former provisions of Title 15, chapter 31, part 7;

(g) all beer, liquor, and wine taxes pursuant to:

(i) 16-1-404;

(ii) 16-1-406; and

(iii) 16-1-411;

(h) late filing fees pursuant to 61-3-220;

(i) title and registration fees pursuant to 61-3-203;

(j) veterans' cemetery license plate fees pursuant to 61-3-459;

(k) county personalized license plate fees pursuant to 61-3-406;

(l) special mobile equipment fees pursuant to 61-3-431;

(m) single movement permit fees pursuant to 61-4-310;

(n) state aeronautics fees pursuant to 67-3-101; and

(o) department of natural resources and conservation payments in lieu of taxes pursuant to former Title 77, chapter 1, part 5.

(3) Except as provided in subsection (7)(b), the total amount received by each local

government in the prior fiscal year as an entitlement share payment under this section is the base component for the subsequent fiscal year distribution, and in each subsequent year the prior year entitlement share payment, including any reimbursement payments received pursuant to subsection (7), is each local government's base component. The sum of all local governments' base components is the fiscal year entitlement share pool.

(4) (a) Except as provided in subsections (4)(b)(iv) and (7)(b), the base entitlement share pool must be increased annually by an entitlement share growth rate as provided for in this subsection (4). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year.

(b) By October 1 of each year, the department shall calculate the growth rate of the entitlement share pool for the next fiscal year in the following manner:

(i) The department shall calculate the entitlement share growth rate based on the ratio of two factors of state revenue sources for the first, second, and third most recently completed fiscal years as recorded on the statewide budgeting and accounting system. The first factor is the sum of the revenue for the first and second previous completed fiscal years received from the sources referred to in subsections (2)(b), (2)(c), and (2)(g) divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.75. The second factor is the sum of the revenue for the first and second previous completed fiscal years received from individual income tax as provided in Title 15, chapter 30, and corporate income tax as provided in Title 15, chapter 31, divided by the sum of the revenue for the second and third previous completed fiscal years received from the same sources multiplied by 0.25.

(ii) Except as provided in subsections (4)(b)(iii) and (4)(b)(iv) <u>and subject to subsection (13)</u>, the entitlement share growth rate is the lesser of:

(A) the sum of the first factor plus the second factor; or

(B) 1.03 for counties, 1.0325 for consolidated local governments, and 1.035 for cities and towns.

(iii) In no instance can the entitlement growth factor be less than 1. Subject to subsection (4)(b)(iv), the entitlement share growth rate is applied to the most recently completed fiscal year entitlement payment to determine the subsequent fiscal year payment.

(iv) The entitlement share growth rate, as described in this subsection (4), is:

(A) for fiscal year 2018, 1.005;

(B) for fiscal year 2019, 1.0187;

(C) for fiscal year 2020 and thereafter, determined as provided in subsection (4)(b)(ii). The rate must be applied to the entitlement payment for the previous fiscal year as if the payment had been calculated using entitlement share growth rates for fiscal years 2018 and 2019 as provided in subsection (4)(b)(ii).

(5) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection (8). The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources for which reimbursement is provided in this section. The allocation for each special district that existed in 2002 must be based on the relative proportion of the loss of revenue in 2002.

(6) (a) The entitlement share pools calculated in this section, the amounts determined

under 15-1-123(2) for local governments, the funding provided for in subsection (8) of this section, and the amounts determined under 15-1-123(3) for tax increment financing districts are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments.

(b) (i) The growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. The growth factor in the entitlement share must be calculated separately for:

(A) counties;

(B) consolidated local governments; and

(C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the prior fiscal year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the prior fiscal year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage that each consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the prior fiscal year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool before the growth amount or adjustments made under subsection (7) are applied is to be distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

(7) (a) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the department shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to the entitlement share distribution under this section. The total entitlement share distributions in a fiscal year, including distributions made pursuant to this subsection, equal the local fiscal year entitlement share pool. The ratio of each local government's distribution from the entitlement share pool must be recomputed to determine each local government's ratio to be used in the subsequent year's distribution determination under subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A).

(b) For fiscal year 2018 and thereafter, the growth rate provided for in subsection (4) does not apply to the portion of the entitlement share pool attributable to the reimbursement provided for in 15-1-123(2). The department shall calculate the portion of the entitlement share pool attributable to the reimbursement in 15-1-123(2), including the application of the growth rate in previous fiscal years, for counties, consolidated local governments, and cities and, for fiscal year 2018 and thereafter, apply the growth rate for that portion of the entitlement share pool as provided in 15-1-123(2).

(c) The growth amount resulting from the application of the growth rate in 15-1-123(2) must be allocated as provided in subsections (6)(b)(ii)(A), (6)(b)(iii)(A), and (6)(b)(iv)(A) of this section.

(8) (a) Except for a tax increment financing district entitled to a reimbursement under 15-1-123(3), if a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any funding. If a tax increment financing district referred to in subsection (8)(b) terminates, then the funding for the district provided for in subsection (8)(b) terminates.

(b) One-half of the payments provided for in this subsection (8)(b) must be made by November 30 and the other half by May 31 of each year. Subject to subsection (8)(a), the entitlement share for tax increment financing districts is as follows:

Flathead	Kalispell - District 2	$4,638
Flathead	Kalispell - District 3	37,231
Flathead	Whitefish District	148,194
Gallatin	Bozeman - downtown	31,158
Missoula	Missoula - 1-1C	225,251
Missoula	Missoula - 4-1C	30,009

(9) The estimated fiscal year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from tax increment financing districts.

(10) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

(11) A local government may appeal the department's estimation of the base component, the entitlement share growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211.

(12) (a) Except as provided in 2-7-517, a payment required pursuant to this section may not be offset by a debt owed to a state agency by a local government in accordance with Title 17, chapter 4, part 1.

(b) A payment required pursuant to this section must be withheld if a local government:

(i) fails to meet a deadline established in 2-7-503(1), 7-6-611(2), 7-6-4024(3), or 7-6-4036(1); and

(ii) fails to remit any amounts collected on behalf of the state as required by 15-1-504 or any other amounts owed to the state or another taxing jurisdiction, as otherwise required by law, within

45 days of the end of a month.

(c) A payment required pursuant to this section may be withheld if, for more than 90 days, a local government fails to:

(i) file a financial report required by 15-1-504;

(ii) remit any amounts collected on behalf of the state as required by 15-1-504; or

(iii) remit any other amounts owed to the state or another taxing jurisdiction.

(13) (a) For fiscal years beginning July 1, 2020, the entitlement share pool must be reduced by the local government contribution. The department shall determine the reduction to the entitlement share pool as provided in subsection (13)(c), allocate the amount among local governments, and reduce the entitlement share payments accordingly.

(b) For purposes of calculating the entitlement share for the subsequent fiscal years, the entitlement share growth rate must be applied to the entitlement share payment of the prior year before the reduction in subsection (13)(a) is applied.

(c) For purposes of this subsection (13), "local government contribution" means 9.0% of the office of state public defender's previous year actual costs less $3.1 million.""

Insert: "Section 4. Section 47-1-125, MCA, is amended to read:

"47-1-125. Reports. (1) (a) The office shall submit a biennial report to the governor, the supreme court, and the legislature, as provided in 5-11-210. Each interim, the director shall also specifically report to the law and justice interim committee established pursuant to 5-5-202 and 5-5-226.

(b) The biennial report must cover the preceding biennium and include:

(i) all policies or procedures in effect for the operation and administration of the statewide public defender system;

(ii) all standards of practice established or being considered by the director for the public defender division, the appellate defender division, and the conflict defender division;

(iii) the number of deputy public defenders and the region supervised by each;

(iv) the number of public defenders employed or contracted with in the system, identified by region, if appropriate, and office;

(v) the number of nonattorney staff employed or contracted with in the system, identified by region, if appropriate, and office;

(vi) the number of new cases in which counsel was assigned to represent a party, identified by region, court, and case type;

(vii) the total number of persons represented by the public defender division, the appellate defender division, and the conflict defender division identified by region, if appropriate, court, and case type;

(viii) the annual caseload and workload of each public defender identified by region, if appropriate, court, and case type;

(ix) the training programs conducted by the office and the number of attorney and nonattorney staff who attended each program;

(x) the continuing education courses on criminal defense or criminal procedure attended by each public defender employed or contracted with in the system; and

(xi) detailed expenditure data by court and case type.

(2) The office shall report data for each fiscal year by September 30 of the subsequent fiscal year representing the caseload for the entire statewide public defender system to the governor and legislative fiscal analyst. The report must include unduplicated count data for all

cases for which representation is paid for by the office, the number of new cases opened, the number of cases closed, the number of cases that remain open and active, the number of cases that remain open but are inactive, and the average number of days between case opening and closure for each case type. The report must be provided in an electronic format.

(3)(a) For the fiscal year beginning July 1, 2026, and every 5 years thereafter, the legislative fiscal analyst shall compare the percentage change in general fund revenue for the previous 5 years to the percentage change in the amounts allocated to local governments under the provisions of 15-1-121, as amended in 2005, and the actual costs for public defender services for the same time period. The results of the comparison must be presented to the governor, the legislative finance committee, the law and justice interim committee, and the supreme court by September 1 of the following fiscal year.

(b) As used in subsection (3)(a), "actual costs" means all expenditures for public defender services in district court and justice's court that were not reimbursed by the office of court administrator pursuant to 3-5-901.""

Renumber: subsequent sections

10. Page 11, line 12.
Strike: "services"
Insert: "fiscal"

11. Page 11, line 23.
Strike: "[SECTION 3]"
Insert: "[Section 5]"

And, as amended, be concurred in.

JUDICIARY (Regier, Chair): 4/11/2019
HB 421, be concurred in.
HB 439, be amended as follows:

1. Title, page 1, line 10 through line 11.
Following: "ANIMAL;"
Strike: "ALLOWING" on line 10 through "RIGHTS;" on line 11

2. Page 3, line 13.
Following: "SHALL"
Strike: "OFFER SERVICES TO"
Insert: "give"

3. Page 3, line 13 through line 14.
Following: "HANDLER"
Strike: remainder of line 13 through line 14
Insert: "the opportunity to participate in the service, program, or activity without having the service animal on the premises."

4. Page 4, line 6 through line 8.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

5. Page 4, line 11.
Following: "with"
Strike: "the" through "2-15-1706"
Insert: "local law enforcement"

6. Page 4, line 11 through line 12.
Strike: "and" on line 11 through "verified" on line 12

7. Page 4, line 24.
Strike: "(4)(B)"
Insert: "(3)(b)"

8. Page 4, line 25.
Following: line 25
Insert: "(4) If local law enforcement is called to investigate as provided in subsection (1), written results of the investigation must be provided to the place or accommodation where the instance occurred and to the handler of the animal in question."

And, as amended, be concurred in.

HB 500, be concurred in.
HB 763, be concurred in.

NATURAL RESOURCES (Welborn, Chair): 4/10/2019
HB 411, be amended as follows:

1. Title, page 1, line 9.
Strike: "DECREASING"
Insert: "REVISING"

2. Page 3, line 2.
Strike: "4.4%"
Insert: "1.4%"

3. Page 4, line 5.
Following: "fee"
Strike: "of"
Strike: "$397.88 per megawatt of"
Insert: "based on"

4. Page 4, line 6.

Following: "commission."
Insert: "The quarterly invasive species fee for nameplate capacity of:
(a) at least 1.5 megawatts but less than 25 megawatts is $274.95 per megawatt;
(b) at least 25 megawatts but less than 100 megawatts is $549.90 per megawatt; and
(c) 100 megawatts or more is $824.85 per megawatt."

5. Page 4, line 19 through line 21.
Strike: subsection (7) in its entirety
Renumber: subsequent subsection

And, as amended, be concurred in.

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/10/2019
HB 555, be amended as follows:

1. Page 6, line 29.
Following: "organization;"
Insert: "and"

2. Page 6, line 30 through page 7, line 1.
Strike: subsection (d) in its entirety
Renumber: subsequent subsection

3. Page 8, line 5.
Strike: "7 BUSINESS"
Insert: "45"

4. Page 9, line 27.
Strike: "7 BUSINESS"
Insert: "45"

5. Page 18.
Following: line 19
Insert: "(8) A health insurance issuer may not impose prior authorization or step therapy requirements for an oral therapy prescription used to treat opioid use disorder."

6. Page 19, line 19 through line 28.
Strike: section 8 in its entirety
Renumber: subsequent sections

7. Page 21, line 25.
Strike: "through 8"
Insert: "and 7"

8. Page 21, line 27.

Strike: "through 8"
Insert: "and 7"

And, as amended, be concurred in.

HB 660, be amended as follows:

1. Page 1, line 29 through line 30.
Strike: "other" on line 29 through "provides" on line 30
Insert: "or more support persons who provide"

Strike: "coordinates" on line 30
Insert: "coordinate"

2. Page 2, line 2.
Following: "means"
Insert: ": (a)"
Following: "37-38-102"
Strike: ", or"
Insert: ";"
Insert: "(b) a social worker licensure candidate as defined in 37-22-102;
(c) a professional counselor licensure candidate as defined in 37-23-102; or
(d) a marriage and family therapist licensure candidate as defined in 37-37-102.
(6) "Support person" means:
(a) a physician, physician assistant, advanced practice registered nurse, or registered nurse licensed under Title 37;
(b) an emergency care provider as defined in 37-3-102; or
(c)"

3. Page 2.
Following: line 15
Insert: "(3) (a) At least one grant awarded under this section must be awarded to a rural community, unless no rural community applies for a grant under this section. Two or more rural communities located in close proximity to each other may apply jointly for a grant under this section.
(b) For the purposes of this subsection (3), "rural community" means a city, town, consolidated city-county, or unincorporated area with a population of no more than 15,000 inhabitants."
Renumber: subsequent subsections

4. Page 2, line 30 through page 3, line 6.
Strike: subsection (4) in its entirety

5. Page 3, line 13.
Strike: "October 31"

Insert: "June 15"

6. Page 3, line 25.
Following: "chapter 21," in both places
Insert: "part 12," in both places

And, as amended, be concurred in.

HB 680, be concurred in.
HB 696, be amended as follows:

1. Page 1, line 21.
Following: "families;"
Strike: "and"

2. Page 1, line 23.
Following: "2017"
Insert: "; and
(c) implement recommendations from the 2016 Montana suicide mortality review team report for evidence-based youth suicide prevention programs and mental health screening"

And, as amended, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 4/10/2019
HB 525, be concurred in.
HB 676, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "EACH" on line 6 through "SESSION" on line 7
Insert: "TO CERTAIN LEGISLATIVE COMMITTEES"

2. Page 1, line 15.
Strike: "$50,000"
Insert: "$45,000"

3. Page 1, line 17.
Strike: "At each legislative session, the"
Insert: "The"

4. Page 1, line 18.
Following: "committee"
Insert: "at each legislative session and to the state administration and veterans' affairs interim committee during each interim"

And, as amended, be concurred in.

HB 776, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 10, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Wednesday, April 10, 2019, I signed the following bills:

Senate Bill 9 - Salomon
Senate Bill 36 - MacDonald
Senate Bill 61 - MacDonald
Senate Bill 64 - Sands
Senate Bill 88 - Sands
Senate Bill 261 - Sands

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/10/2019

SB 37, introduced by M. MacDonald
SB 69, introduced by M. Blasdel
SB 155, introduced by R. Webb
SB 302, introduced by J. Esp
SB 334, introduced by B. Hoven

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/10/2019

SB 132, introduced by K. Regier
SB 267, introduced by D. Sands

Senate amendments to House bills concurred in: 4/10/2019

HB 126, introduced by G. Custer
HB 173, introduced by S. Morigeau
HB 231, introduced by C. Knudsen
HB 262, introduced by B. Mercer
HB 288, introduced by M. Caferro
HB 481, introduced by W. Galt
HB 502, introduced by T. Burnett
HB 514, introduced by K. Dudik
HB 523, introduced by K. Sullivan
HB 576, introduced by D. Bedey
HB 617, introduced by B. Usher

HB 22 - The House failed to concur in Senate amendments to **HB 22,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 22:**

4/10/2019

Representative Bishop, Vice Chair
Representative Custer
Representative Zolnikov

HB 54 - The House failed to concur in Senate amendments to **HB 54,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 54:**

4/10/2019

Representative Stewart Peregoy, Vice Chair
Representative Doane
Representative Dunn

HB 260 - The House failed to concur in Senate amendments to **HB 260,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 260:**

4/10/2019

Representative Kassmier, Vice Chair
Representative Garner
Representative Hayman

HB 599 - The House failed to concur in Senate amendments to **HB 599,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 599:**

4/10/2019

Representative Windy Boy, Vice Chair
Representative Buttrey
Representative W. Sales

HB 106 - The House failed to concur in Senate amendments to **HB 106,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 106:**

4/10/2019

Representative Gunderson, Vice Chair
Representative Schreiner
Representative Tschida

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 54, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 55, introduced by B. Hoven, referred to Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Fitzpatrick in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 12 - **Conference Committee Report No. 1** - Senator Salomon moved the Conference Committee report to **SB 12** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 158 - **Conference Committee Report No. 1** - Senator Vance moved the Conference Committee report to **SB 158** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 631 - Senator Small moved **HB 631** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Vance, Webb, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Flowers excused at this time.

HB 643 - Senator Tempel moved **HB 643** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Flowers.
Total 1

Absent or not voting: None.
Total 0

Senator Flowers present at this time.

HB 657 - Senator Salomon moved **HB 657** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Esp, Fielder, Hinebauch, Howard, Kary, Vance.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 754 - Senator K. Regier moved **HB 754** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Brown, Esp, Hinebauch, Keenan, Vance.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 4 - Senator Osmundson moved **HB 4** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 654 - Senator Olszewski moved **HB 654** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel,

Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Esp, Hinebauch, Kary, Regier, Mr President.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 716 - Senator Salomon moved **HB 716** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 40

Nays: Bogner, Brown, Ellsworth, Esp, Fielder, Kary, Keenan, Smith C, Vance, Mr President.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - Senator Small moved **HB 658** be concurred in.

HB 658 - Senator Keenan moved **HB 658**, second reading copy, be amended with amendment **658003** as follows:

1. Page 38, line 6.
Strike: ", including but not limited to"
Insert: "by"

2. Page 38, line 10 through line 11.
Strike: line 10 and line 11

Insert: "(d) establishing a robust statewide patient-centered medical home model;

(e) using utilization management strategies including proven value-based care programs focused on providing quality care and lowering costs;

(f) using new health care management platforms designed specifically for care coordination and utilization review in medicaid programs;

(g) providing disease management;

(h) administering health risk assessments that allow for proper risk stratification and care coordination assignment;

(i) integrating physical and behavioral health services;

(j) using on-staff medical directors to develop innovative programs designed to care for program participants;

(k) providing customer service; and"

Renumber: subsequent subsection

3. Page 38.
Following: line 12
Insert: "(2) A third-party administrator selected under this section:

(a) shall, except as provided in subsection (4), administer all eligible benefits for program participants, including but not limited to transportation and mental health and substance use disorder treatment services; and

(b) is not responsible for administering:

(i) any element of the community engagement requirement provisions of [sections 1 and 2]; or

(ii) the provisions of the taxpayer integrity fee provided for in 15-30-2660."

Renumber: subsequent subsections

4. Page 39, line 12.
Strike: "subsections (1)(a) through (1)(f)"
Insert: "subsection (1)"

5. Page 39.
Following: line 13
Insert: "(6) (a) The department may, in collaboration with any third-party administrator selected under this section, choose a clinical health risk assessment for use in identifying individuals who are medically frail or have exceptional health needs. The department shall administer the health risk assessment for the initial identification of individuals who are medically frail or have exceptional health needs.

(b) If the third-party administrator determines at a later time that a program participant is medically frail, the individual must be enrolled in the medicaid program provided for in Title 53, chapter 6, part 1."

Amendment **not** adopted as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas,

Vance, Webb, Mr President.
Total 23

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 27

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - Senator Sesso moved **HB 658**, second reading copy, be amended with amendment **658006** as follows:

1. Page 5, line 27.
Strike: "THE"
Insert: "Upon consideration of recommendations by the"
Following: "~~COMMITTEE~~ AUDITOR"
Insert: ", the legislative audit committee"

2. Page 6, line 10.
Strike: "AUDITOR"
Insert: "audit committee"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - Senator Sesso moved **HB 658**, second reading copy, be further amended with amendment **658008** as follows:

1. Title, page 1, line 16.
Following: "ACCOUNT;"
Insert: "ALLOWING THE GOVERNOR TO AUTHORIZE A SUPPLEMENTAL APPROPRIATION TRANSFER FOR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; REQUIRING THE GOVERNOR TO REPORT TO THE LEGISLATIVE FINANCE COMMITTEE;"

2. Title, page 1, line 18.
Following: "15-66-205,"
Insert: "17-7-301, 17-7-311,"

3. Page 17.
Following: line 14
Insert: "Section 17. Section 17-7-301, MCA, is amended to read:

"17-7-301. Authorization to expend during first year of biennium from appropriation for second year -- proposed supplemental appropriation defined -- limit on second-year expenditures. (1) An agency may make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium if authorized by the general appropriations act. An agency that is not authorized in the general appropriations act <u>or in [House Bill No. 658]</u> to make first-year expenditures may be granted spending authorization by the approving authority upon submission and approval of a proposed supplemental appropriation to the approving authority. The proposal submitted to the approving authority must include a plan for reducing expenditures in the second year of the biennium that allows the agency to contain expenditures within appropriations. If the approving authority finds that, due to an unforeseen and unanticipated emergency, the amount actually appropriated for the first fiscal year of the biennium with all other income will be insufficient for the operation and maintenance of the agency during the year for which the appropriation was made, the approving authority shall, after careful study and examination of the request and upon review of the recommendation for executive branch proposals by the budget director, submit the proposed supplemental appropriation to the legislative fiscal analyst.

(2) The plan for reducing expenditures required by subsection (1) is not required if the proposed supplemental appropriation is:

(a) due to an unforeseen and unanticipated emergency for fire suppression;

(b) requested by the superintendent of public instruction, in accordance with the provisions of 20-9-351, and is to complete the state's funding of guaranteed tax base aid, transportation aid, or equalization aid to elementary and secondary schools for the current biennium; ~~or~~

<u>(c) requested by the department of public health and human services when the expenditures for the approved level of medicaid expansion benefits exceed the level of the</u>

appropriations for medicaid expansion benefits; or

~~(c)~~(d) requested by the attorney general and:

(i) is to pay the costs associated with litigation in which the department of justice is required to provide representation to the state of Montana; or

(ii) in accordance with the provisions of 7-32-2242, is to pay costs for which the department of justice is responsible for confinement of an arrested person in a detention center.

(3) Upon receipt of the recommendation of the legislative finance committee pursuant to 17-7-311, the approving authority may authorize an expenditure during the first fiscal year of the biennium to be made from the appropriation for the second fiscal year of the biennium. Except as provided in subsection (2), the approving authority shall require the agency to implement the plan for reducing expenditures in the second year of the biennium that contains agency expenditures within appropriations.

(4) The agency may expend the amount authorized by the approving authority only for the purposes specified in the authorization.

(5) The approving authority shall report to the next legislature in a special section of the budget the amounts expended as a result of all authorizations granted by the approving authority and shall request that any necessary supplemental appropriation bills be passed.

(6) As used in this part, "proposed supplemental appropriation" means an application for authorization to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium.

(7) (a) Except as provided in subsections (2) and (7)(b), an agency may not make expenditures in the second year of the biennium that, if carried on for the full year, will require a deficiency appropriation, commonly referred to as a "supplemental appropriation".

(b) An agency shall prepare and, to the extent feasible, implement a plan for reducing expenditures in the second year of the biennium that contains agency expenditures within appropriations. The approving authority is responsible for ensuring the implementation of the plan. If, in the second year of a biennium, mandated expenditures that are required by state or federal law will cause an agency to exceed appropriations or available funds, the agency shall reduce all nonmandated expenditures pursuant to the plan in order to reduce to the greatest extent possible the expenditures in excess of appropriations or funding. An agency may not transfer funds between fund types in order to implement a plan.""

Insert: "Section 18. Section 17-7-311, MCA, is amended to read:

"17-7-311. Proposed fiscal year transfer supplemental appropriation -- procedure. (1) A proposed supplemental appropriation to transfer appropriations between fiscal years of a biennium and all supporting documentation must be submitted to the legislative fiscal analyst. The governor may not approve a proposed fiscal year transfer supplemental appropriation until the governor receives the legislative finance committee's written report for that proposed fiscal year transfer supplemental appropriation unless:

(a) the report is not received within 90 calendar days from the date the proposed fiscal year transfer supplemental appropriation and supporting documentation were forwarded to the legislative finance committee, in which case the governor may approve the proposed fiscal year transfer supplemental appropriation; or

(b) there has been a waiver of the review and report requirements, as provided in subsection (4).

(2) The legislative fiscal analyst shall review each proposed fiscal year transfer

supplemental appropriation submitted by the governor for compliance with statutory requirements and standards and to determine the expenditures that will be reduced in order to contain spending within legislative appropriations. The legislative fiscal analyst shall present a written report of this review to the legislative finance committee. Within 10 days after the legislative finance committee's consideration of the proposed fiscal year transfer supplemental appropriation, the legislative fiscal analyst shall submit the legislative finance committee's report to the governor.

(3) Upon receipt of the legislative finance committee's written report, the governor may approve or deny the proposed fiscal year transfer supplemental appropriation or may return the proposed fiscal year transfer supplemental appropriation to the requesting agency for further information. If the governor has returned the proposed fiscal year transfer supplemental appropriation to the requesting agency and the requesting agency resubmits the proposed fiscal year transfer supplemental appropriation to the governor, all procedures provided in this section apply to the resubmitted proposed fiscal year transfer supplemental appropriation.

(4) (a) If an emergency occurs that poses a serious threat to the life, health, or safety of the public, the legislative fiscal analyst may waive the written review and the legislative finance committee's written report required by this section. After a waiver, the legislative fiscal analyst may complete the written review.

(b) Upon receipt of the waiver, the governor may approve the proposed fiscal year transfer supplemental appropriation.

(c) A waiver affects only the legislative fiscal analyst's written review and the legislative finance committee's written report on the proposed fiscal year transfer supplemental appropriation. All other proposed fiscal year transfer supplemental appropriation requirements and standards remain in effect.

(5) Nothing in this part confers on the legislative finance committee authority to approve or deny a proposed fiscal year transfer supplemental appropriation.

(6) For the biennium beginning July 1, 2019, the provisions of this section do not apply to a supplemental appropriation transfer for the department of public health and human services if the expenditures for the approved level of medicaid expansion benefits exceed the level of the appropriations for medicaid expansion benefits. Prior to approving a supplemental appropriation transfer for the department in that circumstance, the governor shall notify the legislative fiscal analyst in writing and shall subsequently report to the legislative finance committee on the dollar amount of the supplemental appropriation by September 30, 2020.""

Renumber: subsequent sections

4. Page 49
Following: line 15
Insert: "(3) [Sections 17 and 18] regarding supplemental transfers terminate June 30, 2021."

5. Page 1, line 27 through page 49, line 15.
Renumber: internal references to reflect added sections

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Hoven,

Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 27

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 23

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - Senator Small moved **HB 658**, second reading copy, be further amended with amendment **658011** as follows:

1. Title, page 1, line 20.
Following: "53-6-1307,"
Insert: "AND"

2. Title, page 1, line 21.
Strike: "AND 53-6-1317,"

3. Page 43, line 10 through page 45, line 8.
Strike: section 33 in its entirety
Insert: "NEW SECTION. **Section 33. Report to legislature.** The department shall report the following information to the legislative finance committee and the children, families, health, and human services interim committee quarterly:
(1) the number of individuals who were determined eligible for medicaid-funded services pursuant to 53-6-1304;
(2) demographic information on program participants;
(3) the average length of time that participants remained eligible for medical assistance;
(4) the number of participants subject to the fees provided for in 15-30-2660 and the total amount of fees collected;
(5) the amount of money deposited in the Montana HELP act special revenue account, by source of funding;
(6) the level of participant engagement in wellness activities or incentives offered under this part;
(7) the number of participants who took part in community engagement activities, the number whose program participation was suspended for failure to take part in community engagement activities, and the number who were disenrolled from the program for failure to

report a change in circumstances;

(8) the number of participants who reduced their dependency on the HELP Act program, either voluntarily or because of increased income levels; and

(9) the total cost of providing services under this part, including related administrative costs."

4. Page 47, line 24.
Following: "5"
Insert: "and 33"

5. Page 47, line 26.
Following: "5"
Insert: "and 33"

6. Page 48, line 26.
Following: "31"
Insert: "(1)(a) and (1)(b)"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - Senator D. Brown moved **HB 658**, second reading copy, be further amended with amendment **658005** as follows:

1. Title, page 1, line 7.
Strike: "MAKING"
Insert: "EXTENDING"

2. Title, page 1, line 8.
Strike: "REPEALING"
Insert: "REVISING"

3. Title, page 1, line 21.
Strike: "AND REPEALING"

4. Page 45, line 11.
Strike: "JANUARY 1, 2020"
Insert: "June 30, 2025"

5. Page 45, line 14.
Strike: "JANUARY 1, 2020"
Insert: "June 30, 2025"

6. Page 45, line 20.
Strike: section 36 in its entirety
Renumber: subsequent sections

7. Page 1, line 27 through page 49, line 15.
Renumber: internal references to reflect deleted section

Amendment **not** adopted as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 24

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 26

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - Senator Cuffe moved **HB 658**, second reading copy, be further amended with amendment **658013** as follows:

1. Title, page 1, line 20.
Following: "53-6-1307,"
Insert: "AND"

2. Title, page 1, line 21.
Strike: "AND 53-6-1317,"

3. Page 43, line 10 through page 45, line 8.
Strike: section 33 in its entirety

"NEW SECTION. **Section 33. Report to legislature.** (1) The department shall report the following information to the legislative finance committee and the children, families, health, and human services interim committee quarterly:

(a) the number of individuals who were determined eligible for medicaid-funded services pursuant to 53-6-1304, total current enrollment under this part, and the number of individuals ever enrolled under this part; and

(b) demographic information on program participants as required under subsection (2) .

(2) The department shall report the following demographic information about program participants currently enrolled in the program:

(a) age and gender;

(b) parental or caregiver status;

(c) employment status, including for those who report being employed, the number who are working:

(i) 20 or fewer hours a week;

(ii) 21 to 40 hours a week; and

(iii) full time;

(d) household size and household income;

(e) individual monthly income;

(f) the region of the state in which participants live and the number who are from out of state;

(g) the length of time participants have been enrolled under this part;

(h) monthly premiums paid by each program participant, categorized in the following increments:

(i) less than $15;

(ii) $15 to $29;

(iii) $30 to $49;

(iv) $50 to $99; and

(v) $100 or more;

(i) the number of participants reporting unearned income; and

(j) the number of participants who:

(i) were determined to be medically frail;

(ii) are pregnant;

(iii) have ongoing third-party insurance;

(iv) are enrolled in the supplemental nutrition assistance program;

(v) are enrolled in the temporary assistance for needy families program; and

(vi) are American Indian."

4. Page 47, line 24.
Following: "5"
Insert: "and 33"

5. Page 47, line 26.
Following: "5"
Insert: "and 33"

Amendment **not** adopted as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 24

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 26

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - Majority Leader Thomas moved **HB 658**, second reading copy, be further amended with amendment **658012** as follows:

1. Title, page 1, line 17.
Following: "SECTIONS"
Insert: "15-30-2618,"

2. Title, page 1, line 18.
Following: "16-30-2660,"
Insert: "15-31-511,"

3. Page 11, line 16.
Insert: "Section 8. Section 15-30-2618, MCA, is amended to read:

"15-30-2618. Confidentiality of tax records. (1) Except as provided in 5-12-303, 15-1-106, 17-7-111, and subsections ~~(8) and~~ (7) through (9) of this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any individual report or individual return required under this chapter or any other information secured in the administration of this chapter; or

(b) any federal return or federal return information disclosed on any return or report required by rule of the department or under this chapter.

(2) (a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of this chapter or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of this chapter or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(3) This section does not prohibit:

(a) the delivery to a taxpayer or the taxpayer's authorized representative of a certified copy of any return or report filed in connection with the taxpayer's tax;

(b) the publication of statistics classified to prevent the identification of particular reports or returns and the items of particular reports or returns; or

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of 15-30-2630.

(4) The department may deliver to a taxpayer's spouse the taxpayer's return or information related to the return for a tax year if the spouse and the taxpayer filed the return with the filing status of married filing separately on the same return. The information being provided to the spouse or reported on the return, including subsequent adjustments or amendments to the return, must be treated in the same manner as if the spouse and the taxpayer filed the return using a joint filing status for that tax year.

(5) Reports and returns must be preserved for at least 3 years and may be preserved until the department orders them to be destroyed.

(6) Any offense against subsections (1) through (5) is punishable by a fine not exceeding $500. If the offender is an officer or employee of the state, the offender must be dismissed from office or employment and may not hold any public office or public employment in this state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction.

(7) This section may not be construed to prohibit the department from providing taxpayer return information and information from employers' payroll withholding reports to:

(a) the department of labor and industry to be used for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under the unemployment insurance laws; ~~or~~

(b) the state fund to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under the workers' compensation program; or

(c) the department of public health and human services to verify, as required under 53-6-133, the income reported by applicants for medical assistance.

(8) The department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing a tax on the incomes of individuals or the authorized representative of either officer to inspect the return of income of any individual or may furnish to the officer or an authorized representative an abstract of the return of income of any individual or supply the officer with information concerning an item of income contained in a return or disclosed by the report of an investigation of the income or return of income of an individual, but the permission may be granted or information furnished only if the statutes of the United States or of the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter.

(9) On written request to the director or a designee of the director, the department shall furnish:

(a) to the department of justice all information necessary to identify those persons qualifying for the additional exemption for blindness pursuant to 15-30-2114(4), for the purpose of enabling the department of justice to administer the provisions of 61-5-105;

(b) to the department of public health and human services information acquired under 15-30-2616, pertaining to an applicant for public assistance, reasonably necessary for the prevention and detection of public assistance fraud and abuse, provided notice to the applicant has been given;

(c) to the department of labor and industry:

(i) for the purpose of prevention and detection of fraud and abuse in and eligibility for benefits under the unemployment compensation and workers' compensation programs, information on whether a taxpayer who is the subject of an ongoing investigation by the department of labor and industry is an employee, an independent contractor, or self-employed; and

(ii) for the purpose of administering the apprenticeship tax credit provided for in 39-6-109, employer and apprentice information necessary to implement 15-30-2357, 15-31-173, and 39-6-109;

(d) to the department of fish, wildlife, and parks specific information that is available from income tax returns and required under 87-2-102 to establish the residency requirements of an applicant for hunting and fishing licenses;

(e) to the board of regents information required under 20-26-1111;

(f) to the legislative fiscal analyst and the office of budget and program planning individual income tax information as provided in 5-12-303, 15-1-106, and 17-7-111. The information provided to the office of budget and program planning must be the same as the information provided to the legislative fiscal analyst.

(g) to the department of transportation farm income information based on the most recent income tax return filed by an applicant applying for a refund under 15-70-430, provided that notice to the applicant has been given as provided in 15-70-430. The information obtained by the department of transportation is subject to the same restrictions on disclosure as are individual income tax returns.

(h) to the department of commerce tax information about a taxpayer whose debt is assigned to the department of revenue for offset or collection pursuant to the terms of Title 17, chapter 4, part 1. The information provided to the department of commerce must be used for the purposes of preventing and detecting fraud or abuse and determining eligibility for grants or loans.

(i) to the superintendent of public instruction information required under 20-9-905.

(Subsection (9)(i) terminates December 31, 2023--sec. 33, Ch. 457, L. 2015.)""
Renumber: subsequent sections

4. Page 32, line 23.
Following: "(3)"
Insert: "(a)"

5. Page 32, line 24.
Following: "regulation"
Insert: "and Montana department of revenue information as required under subsection (3)(b)"

6. Page 32.
Following: line 25
Insert: "(b) The department shall request income tax and wage income from the department of revenue as allowed under 15-30-2618 and 15-31-511 to verify the income information provided by applicants who may be eligible for coverage pursuant to 53-6-1304."

7. Page 1, line 27 through page 49, line 15.
Renumber: internal references to reflect added sections

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 26

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - Senator D. Brown moved **HB 658**, second reading copy, be further amended with amendment **658014** as follows:

1. Page 5, line 30.
Following: "90 DAYS"

Insert: "unless the audit committee has been unable to select an independent third-party auditor. If the audit committee has not made a selection within 90 days of the notification required under subsection (4)(a), the committee has an additional 90 days to make the selection, and the 90-day period renews until a selection is made.
Strike: "AND THE"
Insert: "(ii) The audit"
Following: "REPORT"
Insert: "must be"

2. Page 6, line 2 through line 3.
Strike: subsection (ii) in its entirety

Amendment **not** adopted as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 25

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 25

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - Senator Small moved to reconsider amendment **658012** due to a technical error in the amendment.

Senate recessed at 2:59 p.m. and reconvened at 3:30 p.m. Senator Fitzpatrick in the chair.

HB 658 - Senator Small withdrew the reconsideration motion.

HB 658 - Majority Leader Thomas moved that amendment **658012** be removed from the bill. Without objection, so ordered.

HB 658 - Majority Leader Thomas moved **HB 658**, second reading copy, be further amended with amendment **658015** as follows:

1. Title, page 1, line 17.
Following: "SECTIONS"
Insert: "15-30-2618,"

2. Title, page 1, line 18.
Following: "15-30-2660,"
Insert: "15-31-511,"

3. Page 11, line 16.
Insert: "Section 8. Section 15-30-2618, MCA, is amended to read:

"15-30-2618. Confidentiality of tax records. (1) Except as provided in 5-12-303, 15-1-106, 17-7-111, and subsections ~~(8) and~~ (7) through (9) of this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any individual report or individual return required under this chapter or any other information secured in the administration of this chapter; or

(b) any federal return or federal return information disclosed on any return or report required by rule of the department or under this chapter.

(2) (a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of this chapter or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of this chapter or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(3) This section does not prohibit:

(a) the delivery to a taxpayer or the taxpayer's authorized representative of a certified copy of any return or report filed in connection with the taxpayer's tax;

(b) the publication of statistics classified to prevent the identification of particular reports or returns and the items of particular reports or returns; or

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of 15-30-2630.

(4) The department may deliver to a taxpayer's spouse the taxpayer's return or information related to the return for a tax year if the spouse and the taxpayer filed the return with the filing status of married filing separately on the same return. The information being provided to the spouse or reported on the return, including subsequent adjustments or amendments to the return, must be treated in the same manner as if the spouse and the taxpayer filed the return using a joint filing status for that tax year.

(5) Reports and returns must be preserved for at least 3 years and may be preserved

until the department orders them to be destroyed.

(6) Any offense against subsections (1) through (5) is punishable by a fine not exceeding $500. If the offender is an officer or employee of the state, the offender must be dismissed from office or employment and may not hold any public office or public employment in this state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction.

(7) This section may not be construed to prohibit the department from providing taxpayer return information and information from employers' payroll withholding reports to:

(a) the department of labor and industry to be used for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under the unemployment insurance laws; ~~or~~

(b) the state fund to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under the workers' compensation program; or

(c) the department of public health and human services to verify, as required under 53-6-133, the income reported by applicants for medical assistance.

(8) The department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing a tax on the incomes of individuals or the authorized representative of either officer to inspect the return of income of any individual or may furnish to the officer or an authorized representative an abstract of the return of income of any individual or supply the officer with information concerning an item of income contained in a return or disclosed by the report of an investigation of the income or return of income of an individual, but the permission may be granted or information furnished only if the statutes of the United States or of the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter.

(9) On written request to the director or a designee of the director, the department shall furnish:

(a) to the department of justice all information necessary to identify those persons qualifying for the additional exemption for blindness pursuant to 15-30-2114(4), for the purpose of enabling the department of justice to administer the provisions of 61-5-105;

(b) to the department of public health and human services information acquired under 15-30-2616, pertaining to an applicant for public assistance, reasonably necessary for the prevention and detection of public assistance fraud and abuse, provided notice to the applicant has been given;

(c) to the department of labor and industry:

(i) for the purpose of prevention and detection of fraud and abuse in and eligibility for benefits under the unemployment compensation and workers' compensation programs, information on whether a taxpayer who is the subject of an ongoing investigation by the department of labor and industry is an employee, an independent contractor, or self-employed; and

(ii) for the purpose of administering the apprenticeship tax credit provided for in 39-6-109, employer and apprentice information necessary to implement 15-30-2357, 15-31-173, and 39-6-109;

(d) to the department of fish, wildlife, and parks specific information that is available from income tax returns and required under 87-2-102 to establish the residency requirements of an applicant for hunting and fishing licenses;

(e) to the board of regents information required under 20-26-1111;

(f) to the legislative fiscal analyst and the office of budget and program planning individual income tax information as provided in 5-12-303, 15-1-106, and 17-7-111. The information provided to the office of budget and program planning must be the same as the information provided to the legislative fiscal analyst.

(g) to the department of transportation farm income information based on the most recent income tax return filed by an applicant applying for a refund under 15-70-430, provided that notice to the applicant has been given as provided in 15-70-430. The information obtained by the department of transportation is subject to the same restrictions on disclosure as are individual income tax returns.

(h) to the department of commerce tax information about a taxpayer whose debt is assigned to the department of revenue for offset or collection pursuant to the terms of Title 17, chapter 4, part 1. The information provided to the department of commerce must be used for the purposes of preventing and detecting fraud or abuse and determining eligibility for grants or loans.

(i) to the superintendent of public instruction information required under 20-9-905. (Subsection (9)(i) terminates December 31, 2023--sec. 33, Ch. 457, L. 2015.)""
Renumber: subsequent sections

4. Page 14, line 2.
Insert: "Section 10. Section 15-31-511, MCA, is amended to read:

"15-31-511. Confidentiality of tax records. (1) Except as provided in this section, in accordance with a proper judicial order, or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any return or report required under this chapter or any other information relating to taxation secured in the administration of this chapter; or

(b) any federal return or information in or disclosed on a federal return or report required by law or rule of the department under this chapter.

(2) (a) An officer or employee charged with custody of returns and reports required by this chapter may not be ordered to produce any of them or evidence of anything contained in them in any administrative proceeding or action or proceeding in any court, except:

(i) in an action or proceeding in which the department is a party under the provisions of this chapter; or

(ii) in any other tax proceeding or on behalf of a party to an action or proceeding under the provisions of this chapter when the returns or reports or facts shown in them are directly pertinent to the action or proceeding.

(b) If the production of a return, report, or information contained in them is ordered, the court shall limit production of and the admission of returns, reports, or facts shown in them to the matters directly pertinent to the action or proceeding.

(3) This section does not prohibit:

(a) the delivery of a certified copy of any return or report filed in connection with a return to the taxpayer who filed the return or report or to the taxpayer's authorized representative;

(b) the publication of statistics prepared in a manner that prevents the identification of particular returns, reports, or items from returns or reports;

(c) the inspection of returns and reports by the attorney general or other legal

representative of the state in the course of an administrative proceeding or litigation under this chapter;

(d) access to information under subsection (4);

(e) the director of revenue from permitting a representative of the commissioner of internal revenue of the United States or a representative of a proper officer of any state imposing a tax on the income of a taxpayer to inspect the returns or reports of a corporation. The department may also furnish those persons abstracts of income, returns, and reports; information concerning any item in a return or report; and any item disclosed by an investigation of the income or return of a corporation. The director of revenue may not furnish that information to a person representing the United States or another state unless the United States or the other state grants substantially similar privileges to an officer of this state charged with the administration of this chapter.

(4) On written request to the director or a designee of the director, the department shall:

(a) allow the inspection of returns and reports by the legislative auditor, but the information furnished to the legislative auditor is subject to the same restrictions on disclosure outside that office as provided in subsection (1);

(b) provide corporate income tax and alternative corporate income tax information, including any information that may be required under Title 15, chapter 30, part 33, to the legislative fiscal analyst, as provided in 5-12-303 or 15-1-106, and the office of budget and program planning, as provided in 15-1-106 or 17-7-111. The information furnished to the legislative fiscal analyst and the office of budget and program planning is subject to the same restrictions on disclosure outside those offices as provided in subsection (1).

(c) provide to the department of commerce tax information about a taxpayer whose debt is assigned to the department of revenue for offset or collection pursuant to the terms of Title 17, chapter 4, part 1. The information provided to the department of commerce must be used for the purposes of preventing and detecting fraud or abuse and determining eligibility for grants or loans.

(d) furnish to the superintendent of public instruction information required under 20-9-905;

(e) exchange with the department of labor and industry taxpayer and apprentice information necessary to implement 15-30-2357, 15-31-173, and 39-6-109<u>; and</u>

<u>(f) provide the department of public health and human services with the information necessary to verify, as required under 53-6-133, the income reported by an applicant for medical assistance</u>.

(5) A person convicted of violating this section shall be fined not to exceed $500. If a public officer or public employee is convicted of violating this section, the person is dismissed from office or employment and may not hold any public office or public employment in the state for a period of 1 year after dismissal or, in the case of a former officer or employee, for 1 year after conviction. (Subsection (4)(d) terminates December 31, 2023--sec. 33, Ch. 457, L. 2015.)""

5. Page 32, line 23.
Following: "<u>(3)</u>"
Insert: "(a)"

6. Page 32, line 24.
Following: "regulation"
Insert: "and Montana department of revenue information as required under subsection (3)(b)"

7. Page 32.
Following: line 25
Insert: "(b) The department shall request income tax and wage income from the department of revenue as allowed under 15-30-2618 and 15-31-511 to verify the income information provided by applicants who may be eligible for coverage pursuant to 53-6-1304."

8. Page 1, line 27 through page 49, line 15.
Renumber: internal references to reflect added sections

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 26

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - Senator D. Brown moved **HB 658**, second reading copy, be further amended with amendment **658005** as follows:

1. Title, page 1, line 7.
Strike: "MAKING"
Insert: "EXTENDING"

2. Title, page 1, line 8.
Strike: "REPEALING"
Insert: "REVISING"

3. Title, page 1, line 21.

Strike: "AND REPEALING"

4. Page 45, line 11.
Strike: "JANUARY 1, 2020"
Insert: "June 30, 2025"

5. Page 45, line 14.
Strike: "JANUARY 1, 2020"
Insert: "June 30, 2025"

6. Page 45, line 20.
Strike: section 36 in its entirety
Renumber: subsequent sections

7. Page 1, line 27 through page 49, line 15.
Renumber: internal references to reflect deleted section

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - As amended, **HB 658 failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 25

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven,

Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 25

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Fitzpatrick moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **HB 725**, **HB 643**, **HB 763**, **HB 293**, **HB 405**, **HB 431**, and **HB 411** be taken from the Senate and re-referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 599**. Motion carried. President Sales appointed:

4/11/2019

Senator Olszewski, Chair
Senator McClafferty
Senator Small

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 22**. Motion carried. President Sales appointed:

4/11/2019

Senator Richmond, Chair
Senator Cuffe
Senator Vuckovich

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 54**. Motion carried. President Sales appointed:

4/11/2019

Senator K. Regier, Chair
Senator Gross
Senator Hinebauch

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 106**. Motion carried. President Sales appointed:

4/11/2019

Senator D. Brown, Chair
Senator Pomnichowski
Senator Sands

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 260**. Motion carried. President Sales appointed:

4/11/2019

Senator D. Brown, Chair
Senator Kary
Senator F. Smith

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/11/2019
HB 405, be concurred in.
HB 475, be concurred in.
HB 515, be amended as follows:

1. Title, page 1, line 5.
Strike: "SEVERE FORMS OF"

2. Title, page 1, line 13 through line 14.
Strike: "REPEALING SECTIONS" on line 13 through "61-6-142, MCA;" on line 14

3. Page 1, line 19.
Strike: "**severe form of**"

4. Page 1, line 19.
Strike: "(1)"

5. Page 1, line 21.
Following: "commission of a felony"
Strike: "of a severe form"

6. Page 1, line 24 through line 30.
Strike: subsection (2) in its entirety

7. Page 9, line 27.
Following: "~~61-6-138~~"
Insert: ", a surety or indemnity bond under 61-6-137, or a deposit of cash or securities under 61-6-138"

8. Page 16, line 25 through page 17, line 1.
Strike: section 13 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in.

HB 626, be amended as follows:

1. Page 1, line 23.
Strike: "3,000 or more hours of"

2. Page 1, line 24.
Strike: "At least 800 hours"
Insert: "Some"

3. Page 2, line 14.
Following: line 13
Insert: "(b) may engage in social work activities as provided in 33-22-102(5)(b) through (5)(g);"
Renumber: subsequent subsections
Following: "may engage in"
Strike: "independent"

4. Page 2, line 16.
Strike: "(2)(b)"
Insert: "(2)(c)"

5. Page 2, line 28.

Strike: "3,000 or more hours of"

6. Page 2, line 29.
Strike: "At least 1,500 hours"
Insert: "Some"

7. Page 3, line 19.
Following: line 18
Insert: "(b) may engage in social work activities as provided in 33-22-102(5)(b) through (5)(g);"
Renumber: subsequent subsections
Following: "may engage in"
Strike: "independent"

8. Page 3, line 21.
Strike: "(2)(b)"
Insert: "(2)(c)"

And, as amended, be concurred in.

HB 632, be concurred in.
HB 725, be concurred in.
HB 727, be amended as follows:

1. Title, page 1, line 11.
Following: "DATES"
Insert: "AND A TERMINATION DATE"

2. Page 11, line 20.
Following: "constructed."
Insert: "The time period is also tolled if the department receives sufficient written protests that satisfy the requirements in 16-4-207 until a final agency decision either denies or dismisses a protest against the approval of an application."

3. Page 14, line 29.
Following: "concessionaire"
Insert: "or both"

4. Page 14, line 30.
Following: "concessionaire"
Insert: "or both"

5. Page 15, line 1.
Following: "concession agreement"
Insert: "or both"

6. Page 15, line 2.
Following: "concession agreement"
Insert: "or both"

7. Page 15, line 6.
Following: "concessionaire"
Insert: "or both"

8. Page 15, line 7.
Following: "concessionaire"
Insert: "or both"

9. Page 15, line 9.
Following: "employees"
Insert: "or both"

10. Page 15, line 11.
Following: the first "concessionaire"
Insert: "or both"
Following: "agent of the licensee or concessionaire"
Insert: "or both"

11. Page 15, line 14.
Following: "concessionaire"
Strike: "has"
Insert: "or both have"
Strike: "its"
Insert: "their"

12. Page 28.
Following: line 20
Insert: "NEW SECTION. **Section 13. Termination.** [Sections 2, 3, 7, and 9] terminate June 30, 2021."

And, as amended, be concurred in.

HB 732, be amended as follows:

1. Title, page 1, line 9.
Following: "EFFECTIVE DATE"
Insert: "AND A TERMINATION DATE"

2. Page 7, line 5.
Following: line 4
Insert: "NEW SECTION. **Section 7. Termination.** [This act] terminates June 30,

2023."

And, as amended, be concurred in.

HB 751, be concurred in.

TAXATION (Webb, Chair): 4/11/2019
HB 293, be amended as follows:

1. Title, page 1, line 12.
Strike: "POSTPRODUCTION"
Insert: "MONTANA WAGE"

2. Title, page 1, line 12 through line 13.
Strike: "IF" on line 12 through "MONTANA" on line 13

3. Title, page 1, line 17.
Strike: "REQUESTED AND"

4. Title, page 1, line 19.
Strike: "IMMEDIATE"
Following: "DATE"
Insert: "AND APPLICABILITY DATES"

5. Page 2, line 11 through line 13.
Strike: "the members" on line 11 through "CORPORATION" on line 13
Insert: "a subsidiary of which more than 50% of the voting stock is owned directly by the parent corporation or another member of the Montana combined group"

6. Page 2, line 16.
Following: "means"
Insert: "Montana"

7. Page 2, line 18.
Following: "services"
Insert: "performed in this state"

8. Page 4, line 8.
Following: "preproduction"
Strike: ","
Insert: "or"
Strike: ", or postproduction"

9. Page 4, line 9.
Strike: "without limitation"

10. Page 4, line 19 through line 20.
Strike: "food costs" on line 19
Following: "~~allowances~~" on line 19
Insert: "per diem and living allowance"
Strike: ", including" on line 19 through "members" on line 20

11. Page 5, line 2.
Strike: "or"

12. Page 5, line 3.
Following: "distribution"
Insert: "; or
(vi) postproduction expenditures"

13. Page 5, line 24.
Strike: the first "expenditure"
Insert: "wage"
Strike: "an expenditure"
Insert: "wages"

14. Page 5, line 25 through page 6, line 7.
Strike: ", including" on page 5, line 25 through "agency" on page 6, line 7

15. Page 7, line 29.
Strike: "11"
Insert: "10"

16. Page 8, line 23.
Following: ";"
Insert: "and"

17. Page 8, line 25.
Strike: ";"
Insert: "."

18. Page 8, line 26 through line 29.
Strike: subsection (m) through subsection (n) in their entirety

19. Page 9, line 20.
Following: "~~and~~"
Insert: "the Montana screen credit needed to qualify for the additional tax credit provided for in [section 7(3)(b)(viii)] and"

20. Page 9, line 28.
Following: "~~credit,~~"

Insert: "the department's policies on the types of productions that may include the Montana screen credit,"

21. Page 10, line 1.
Strike: "expenditures"
Insert: "wages"

22. Page 11, line 5.
Strike: "(a)"
Strike: "expenditures"
Insert: "wages"

23. Page 11, line 6 through line 13.
Strike: "detailed" on line 6 through "expenditures," on line 13

24. Page 11, line 18 through line 23.
Strike: subsection (5) in its entirety
Renumber: subsequent subsections

25. Page 12, line 24 through line 25.
Strike: "QUALIFIED" on line 24 through "RENTALS," on line 25
Insert: "wages"

26. Page 12, line 29 through line 30.
Strike: ", POSTPRODUCTION" on line 29 through "EXPENDITURES," on line 30.

27. Page 13, line 1.
Strike: "EXPENDITURES"
Insert: "wages"

28. Page 13, line 6.
Strike: "11"
Insert: "10"

29. Page 13, line 9.
Strike: "FROM THE"
Insert: "up to 6 months before"

30. Page 13, line 10.
Following: "The"
Insert: "credit must be claimed for the period July 1, 2019, through December 31, 2020, in which the production expenditures were incurred or the compensation was paid unless the credit is transferred to the next tax year because the limits provided for in [section 10] have been met. For periods after December 31, 2020, the"

31. Page 13, line 27.
Strike: "15%"
Insert: "20%"
Strike: "$5"
Insert: "$7.5"

32. Page 14, line 6.
Strike: "AND"

33. Page 14, line 7.
Following: "~~and~~"
Insert: "; and
(viii) an additional 5% of the base investment in the state if the state-certified production includes a Montana screen credit furnished by the state as provided in [section 4(7)]"

34. Page 14, line 12.
Strike: "PROVIDED THAT"
Insert: "for"

35. Page 14, line 13.
Following: "EXPENDITURES"
Insert: "that"

36. Page 14, line 14.
Strike: "3"
Insert: "5"

37. Page 15, line 21.
Strike: "90%"
Insert: "85%"

38. Page 16, line 12.
Strike: "**expenditures**"
Insert: "**wages**"

39. Page 16, line 13.
Strike: "expenditures"
Insert: "wages"

40. Page 16, line 14 through line 15.
Strike: ":" on line 14 through "(a)" on line 15

41. Page 16, line 16 through line 19.
Strike: ";" on line 16 through "Montana" on line 19

42. Page 16, line 20.
Strike: "expenditures"
Insert: "wages"

43. Page 16, line 20 through line 22.
Strike: "An" on line 20 through "area." on line 22

44. Page 16, line 26.
Strike: "3"
Insert: "5"

45. Page 17, line 27 through line 29.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

46. Page 18, line 5.
Strike: "$7.5"
Insert: "$10"

47. Page 19, line 12.
Strike: the second "expenditures"
Insert: "wages"

48. Page 21, line 13.
Insert: "COORDINATION SECTION. **Section 15. Coordination instruction.** If both House Bill No. 723 and [this act] are passed and approved, then [section 1(5) of House Bill No. 723] must be amended by including the underlined language as follows:

"(5) The following tax credits expire on December 31, 2029:

(a) the biodiesel or biolubricant production facility credit provided for in 15-32-702;

(b) the biodiesel blending and storage credit provided for in 15-32-703;

(c) the adoption tax credit provided for in 15-30-2364;

(d) the credit for providing temporary emergency lodging provided for in 15-30-2381 and 15-31-171;

(e) the credit for hiring a registered apprentice or veteran apprentice provided for in 15-30-2357 and 15-31-173; ~~and~~

(f) the earned income tax credit provided for in 15-30-2318; and

(g) the media production and postproduction credits provided for in [section 7 of House Bill No. 293] and [section 9 of House Bill No. 293]."

Insert: "COORDINATION SECTION. **Section 16. Coordination instruction.** If both House Bill No. 723 and [this act] are passed and approved, then [section 7(1) of this act] must be amended as follows:

"(1) Subject to [section 10] and through the tax year ending December 31, 2029, a production company and its affiliates are allowed a credit against the taxes imposed by chapter 30 and this chapter for investments in a state-certified production approved by the department of commerce as provided in [sections 4 and 5]. The credit is for the base investment made up

to 6 months before state certification through completion of the project. The credit must be claimed for the period July 1, 2019, through December 31, 2020, in which the production expenditures were incurred or the compensation was paid unless the credit is transferred to the next tax year because the limits provided for in [section 10] have been met. For periods after December 31, 2020, the credit must be claimed for the year in which the production expenditures were incurred or the compensation was paid unless the credit is transferred to the next tax year because the limits provided for in [section 10] have been met.""
Insert: "COORDINATION SECTION. **Section 17. Coordination instruction.** If both House Bill No. 723 and [this act] are passed and approved, then [section 9(1) of this act] must be amended as follows:

"(1) ~~A~~ Through the tax year ending December 31, 2029, a postproduction company that has incurred qualified postproduction wages in the tax year is allowed a credit against the taxes imposed by chapter 30 and this chapter if:""
Renumber: subsequent sections

49. Page 21, line 18.
Strike: "on passage and approval"
Insert: "July 1, 2019"

50. Page 21, line 19.
Following: line 18
Insert: "NEW SECTION. **Section 20. Applicability.** (1) Except as provided in subsection (2), [this act] applies to tax years beginning after December 31, 2020.

(2) The tax credit in [section 7] applies after June 30, 2019, as provided in [section 7(1)]."

And, as amended, be concurred in.

HB 507, be concurred in.
HB 636, be amended as follows:

1. Title, page 1, line 5 through line 8.
Strike: "REQUIRING" on line 5 through "ASSESSED VALUE;" on line 8

2. Page 1, line 25.
Strike: "(i)"

3. Page 1, line 26.
Strike: "or " through "department"

4. Page 2, line 9 through line 16.
Strike: subsection (ii) through subsection (iii) in their entirety

And, as amended, be concurred in.

HB 656, be concurred in.
HB 723, be amended as follows:

1. Page 3, line 6.
Strike: "(2)"
Insert: "(6)"

2. Page 3, line 7.
Following: "session"
Insert: ", including any individual or corporate income tax credits with an expiration or termination date that are not listed in this section,"

3. Page 3, line 8.
Following: the first "expiration"
Insert: "or termination"

And, as amended, be concurred in.

HJ 35, be amended as follows:

1. Page 2, line 6.
Strike: "must"
Insert: "may"
Following: "include"
Insert: "but are not limited to"

And, as amended, be concurred in.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, April 12, 2019, seventy-seventh legislative day. Motion carried.

Senate adjourned at 4:05 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SEVENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 12, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Salomon. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/12/2019
Correctly printed: **SR 54**, **SR 55**, **HB 4**, **HB 52**, **HB 405**, **HB 421**, **HB 431**, **HB 475**, **HB 500**, **HB 507**, **HB 525**, **HB 631**, **HB 632**, **HB 643**, **HB 654**, **HB 656**, **HB 657**, **HB 680**, **HB 716**, **HB 725**, **HB 751**, **HB 754**, **HB 763**, **HB 776**.
Correctly engrossed: **HB 293**, **HB 355**, **HB 389**, **HB 515**, **HB 532**, **HB 626**, **HB 636**, **HB 640**, **HB 661**, **HB 723**, **HB 727**, **HB 732**, **HB 773**, **HJ 35**.
Correctly enrolled: **SB 35**, **SB 37**, **SB 38**, **SB 69**, **SB 155**, **SB 334**, **SR 47**, **SR 49**, **SR 51**.
Examined by the sponsor and found to be correct: **SB 73**, **SB 116**, **SB 195**, **SB 241**, **SB 268**, **SB 271**, **SB 276**, **SR 36**, **SR 39**, **SR 40**, **SR 41**, **SR 42**, **SR 43**, **SR 46**, **SR 47**, **SR 49**, **SR 51**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 4/11/2019
HB 443, be concurred in.

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/12/2019
SJ 24, do pass.
SR 52, be adopted.
SR 54, be adopted.
HB 731, be concurred in.

ENERGY AND TELECOMMUNICATIONS (Ankney, Chair): 4/11/2019
SR 44, be adopted.
HJ 12, be concurred in.
HJ 38, be concurred in.

FISH AND GAME (Fielder, Chair): 4/11/2019
HB 280, be concurred in.
HB 355, be amended as follows:

1. Page 3, line 9.
Strike: "designate,"

2. Page 15, line 16.
Strike: "SUMMER MOTORIZED RECREATION"
Insert: "snowmobile"
Following: "[SECTION"
Strike: "2"
Insert: "9"

And, as amended, be concurred in.

HB 407, be concurred in.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/11/2019
SJ 22, do pass.
SR 45, be adopted.
HB 389, be amended as follows:

1. Page 1, line 17.
Strike: "100"
Insert: "25"

And, as amended, be concurred in.

HB 661, be amended as follows:

1. Title, page 1, line 5.
Strike: "REDUCING"
Insert: "REPEALING"

2. Page 1, line 23.
Strike: "With the approval of the board, money"
Insert: "Money"

3. Page 1, line 24.
Following: "17-7-502, and"
Insert: "with the approval of the board"
Following: "may be used"
Strike: "only"

4. Page 2, line 9.
Following: "**Gasoline**"
Insert: "**,**"
Strike: "**and**"
Following: "**fuel**"
Insert: "**, and aviation fuel**"

5. Page 2, line 24.
Strike: "6.5"
Insert: "5"

6. Page 6, line 8 through line 13.
Strike: subsection (6) in its entirety

7. Page 7, line 7.
Strike: "(A) EXCEPT AS PROVIDED IN SUBSECTION (3)(B), ALL"
Insert: "All"

8. Page 7, line 12 through line 16.
Strike: subsection (B) in its entirety

9. Page 11, line 12.
Following: "equal to the proceeds of"
Strike: "2"
Insert: "0.5"

10. Page 12, line 21 through line 25.
Strike: subsection (2) in its entirety
Insert: "(2) Money in the account is allocated to the aeronautics operations account provided for in [section 1]."

And, as amended, be concurred in.

HJ 16, be concurred in.

JUDICIARY (Regier, Chair): 4/12/2019
HB 532, be amended as follows:

1. Title, page 1, line 11 through line 12.
Following: "AMENDING"
Strike: "SECTIONS" through the first "AND"
Insert: "SECTION"
Following: "PROVIDING AN"
Strike: "IMMEDIATE"

2. Page 1, line 29.
Strike: "3"
Insert: "4"

3. Page 2, line 1.
Insert: "NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 4], the following definitions apply:

(1)(a) "Claim" means any claim against a government entity for money damages, including but not limited to employment-related claims and tort claims, that any person is legally entitled to recover.

(b) Claims do not include benefits disputes under Title 39, chapter 51 or 71.

(2) "Employee" means permanent employee, short-term worker, student intern, seasonal employee, personal staff, or temporary employee as those terms are defined in 2-18-101."

Renumber: subsequent sections

4. Page 2, line 8.
Following: line 8
Insert: "(2) If a member of the public requests a paper copy of information on the website or a paper copy of the quarterly report in [section 4], the department shall charge a fee for paper copies that is commensurate with the cost of printing."
Renumber: subsequent subsections

5. Page 2, line 10.
Following: "disclosure"
Insert: "and is designated confidential information as defined in 2-6-1002.

6. Page 2, line 11.
Strike: "30"
Insert: "60"

7. Page 2, line 15 through line 25.
Strike: subsection (5) through subsection (6) in their entirety
Insert: "(6) All money paid by warrant pursuant to a settlement or compromise must be consistently coded in the statewide accounting, budgeting, and human resource system so that when the code or codes are reviewed a complete list of all settled claims is provided. The department of administration shall set the standards for the coding."

8. Page 2, line 29.
Following: "claims"
Insert: "for money damages"

9. Page 3, line 4.
Following: "all"
Insert: "initial"
Following: "negotiations"
Strike: "and" through "requested"
Following: "resolve"
Strike: "the claim"
Insert: "claims for money damages and the amount requested to resolve the claims"

10. Page 3, line 6 through page 4, line 23.
Strike: section 4 through section 5 in their entirety

Renumber: subsequent sections

11. Page 5, line 14.
Strike: the first "DEPARTMENT" through "JUSTICE"
Insert: "executive branch agencies and entities"

12. Page 5, line 17 through line 18.
Strike: section 8 in its entirety
Insert: "NEW SECTION. **Section 7. Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 2, chapter 6, and the provisions of Title 2, chapter 6, apply to [sections 1 through 4]."

13. Page 5, line 26.
Strike: "[This act]"
Insert: "[Section 5(1)(b)]"

And, as amended, be concurred in.

HB 640, be amended as follows:

1. Page 24.
Following: line 10
Insert: "NEW SECTION. **Section 14. Coordination instruction.** If both House Bill No. 502 and [this act] are passed and approved, then the references in [this act] to "report" in [section 6(6)] must be changed to "safety and risk assessment"."
Renumber: subsequent sections

And, as amended, be concurred in.

HB 745, be concurred in.
HB 749, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/11/2019

SB 100, introduced by K. Regier

SB 139 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 139:**

4/11/2019

Representative Berglee, Vice Chair
Representative Fuller
Representative Funk

SB 93 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 93:**

4/11/2019

Representative Zolnikov, Vice Chair
Representative Pope
Representative Skees

Senate amendments to House bills concurred in: 4/11/2019

HB 211, introduced by L. Jones
HB 221, introduced by F. Anderson
HB 316, introduced by K. White
HB 579, introduced by E. Buttrey
HB 580, introduced by R. Knudsen
HB 590, introduced by D. Fern

Conference Committee Report No.1 adopted: 4/11/2019

HB 268, introduced by S. Greef

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolutions were introduced, read first time, and referred to committees:

SJ 31, introduced by C. Boland, referred to Business, Labor, and Economic Affairs.
SJ 32, introduced by K. Bogner, S. Sales, J. Sesso, referred to State Administration.

Senate recessed at 1:07 p.m. Senate reconvened at 1:26 p.m., President Sales presiding.

MOTIONS

Senator Sesso moved that **HB 658** be taken from the Senate and placed on second reading this date. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.

Total 24

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 26

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kary in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 735 - Senator Fielder moved **HB 735** be concurred in.

HB 735 - Senator Fielder moved **HB 735**, second reading copy, be amended as follows:

1. Page 2, line 9.
Following: "SECTIONS 1 THROUGH"
Strike: "9"
Insert: "8"

2. Page 3, line 21.
Following: "SECTIONS 1 THROUGH"
Strike: "9"
Insert: "8"

3. Page 5, line 5.
Following: "SECTIONS 1 THROUGH"
Strike: "9"
Insert: "8"

4. Page 5, line 7.
Following: "SECTIONS 1 THROUGH"

Strike: "9"
Insert: "8"

5. Page 5, line 12.
Following: "SECTIONS 1 THROUGH"
Strike: "9"
Insert: "8"

6. Page 5, line 16.
Following: "SECTIONS 1 THROUGH"
Strike: "9"
Insert: "8"

7. Page 6, line 4.
Following: "SECTIONS 1 THROUGH"
Strike: "9"
Insert: "8"

8. Page 6, line 12.
Following: "SECTIONS 1 THROUGH"
Strike: "9"
Insert: "8"

9. Page 6, line 17.
Following: "1 THROUGH"
Strike: "9"
Insert: "8"
Following: "damages of at least"
Strike: "$5,000"
Insert: "$2,000 and not more than $75,000"

10. Page 6, line 19.
Following: "THROUGH"
Strike: "9"
Insert: "8"

11. Page 6, line 25.
Following: "SECTIONS 1 THROUGH"
Strike: "9"
Insert: "8"

12. Page 6, line 26.
Following: "SECTIONS 1 THROUGH"
Strike: "9"

Insert: "8"

13. Page 6, line 27.
Following: "SECTIONS 1 THROUGH"
Strike: "9"
Insert: "8"

14. Page 6, line 30 through page 7, line 4.
Strike: section 9 in its entirety
Renumber: subsequent sections

15. Page 7, line 7.
Strike: "9"
Insert: "8"

16. Page 7, line 8.
Following: "SECTIONS 1 THROUGH"
Strike: "9"
Insert: "8"
Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 735 - Senator Bennett moved **HB 735**, second reading copy, be further amended as follows:

1. Title, page 1, line 11.
Strike: "PROVIDING PENALTIES FOR VIOLATIONS;"

2. Page 2, line 9.
Strike: "9"
Insert: "6"

3. Page 3, line 21.
Strike: "9"
Insert: "6"

4. Page 5, line 5.
Strike: "9"
Insert: "6"

5. Page 5, line 7.
Strike: "9"
Insert: "6"

6. Page 5, line 12.
Strike: "9"
Insert: "6"

7. Page 5, line 16.
Strike: "9"
Insert: "6"

8. Page 6, line 3.
Strike: "9"
Insert: "6"

9. Page 6, line 11 through page 7, line 4.
Strike: section 7 through section 9 in their entirety
Renumber: subsequent sections

10. Page 7, line 7.
Strike: "9"
Insert: "6"

11. Page 7, line 8.
Strike: "9"
Insert: "6"

Amendment **not** adopted as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 21

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 735 - As amended, **HB 735** was concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Boland, Cohenour, Ellis, Flowers, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 613 - Senator Olszewski moved **HB 613** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Brown, Fielder, Howard, Smith C.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 160 - **House Amendments** - Senator McConnell moved House amendments to **SB 160** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn.
Total 41

Nays: Brown, Hinebauch, Howard, Olszewski, Regier, Smith C, Thomas, Vance, Mr President.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 171 - **House Amendments** - Senator Fitzpatrick moved House amendments to **SB 171** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 178 - **House Amendments** - Senator Jacobson moved House amendments to **SB 178** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Esp, Hoven, Howard, Keenan, Tempel.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 225 - **House Amendments** - Senator Fitzpatrick moved House amendments to **SB 225** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 240 - **House Amendments** - Senator Ellsworth moved House amendments to **SB 240** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 244 - **House Amendments** - Senator Blasdel moved House amendments to **SB 244** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 254 - **House Amendments** - Senator Sands moved House amendments to **SB 254** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 257 - **House Amendments** - Senator Cuffe moved House amendments to **SB 257** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 48

Nays: Sands, Webber.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 268 - **Conference Committee Report No. 1** - Senator Esp moved the Conference Committee report to **HB 268** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 403 - Senator Ankney moved **HB 403** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 41

Nays: Barrett, Bennett, Cohenour, Ellis, Flowers, MacDonald, Pomnichowski, Sands, Webber.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 684 - Senator Howard moved **HB 684** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 5 - Senator Sesso moved **HB 5** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hinebauch, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn, Mr President.
Total 40

Nays: Brown, Ellsworth, Esp, Fielder, Gillespie, Howard, Kary, Keenan, Vance, Webb.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 441 - Senator Hoven moved **HB 441** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier,

Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 33

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Webber.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Kary moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 40

Nays: Barrett, Bennett, Cohenour, Ellis, Flowers, MacDonald, McClafferty, Phillips, Sands, Webber.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/12/2019
HB 8, be amended as follows:

1. Page 2, line 14.
Strike: "and (3)"
Insert: "through (4)"

2. Page 2, line 27.
Strike: "Tunnel 2 and Canal System"
Insert: "Pump Station and River Diversion"

3. Page 2.
Following: line 29
Insert: "(4) (a) The interest rate for the project in this group is 3.0% or the rate at which the state bonds are sold, whichever is lower, for up to 30 years:

Loan	Amount
St. Mary's Diversion Project	
Local Share	$40,000,000

(b) The loan in this subsection (4) is contingent on the following:

(i) the federal government entering into an agreement with the state that designates the federal and state share of the total project cost;

(ii) the forming of a water users' association of Montana users of the waters flowing from the Milk River that includes cities, towns, districts, water user associations, and other unassociated individuals and entities; and

(iii) the water users' association demonstrating to the satisfaction of the department of natural resources and conservation its financial capacity, through water user fees or other available sources of funding, to pay the annual costs of the loan repayment over the term of the loan."

4. Page 3, line 8.
Strike: "$37,950,000"
Insert: "$81,950,000"
Strike: "$3,450,000"
Insert: "$7,450,000"

And, as amended, be concurred in.

HB 293, be concurred in.
HB 643, be concurred in.
HB 652, be concurred in.
HB 670, be amended as follows:

1. Title, page 1, line 5.
Following: "SECTION B;"
Insert: "PROVIDING FOR A PROVIDER RATE INCREASE;"

2. Page 1.
Following: line 11

Insert: "COORDINATION SECTION. **Section 2. Coordination instruction.** If [this act], [House Bill No. 2], and [House Bill No. 669] are passed and approved, [section 2 of House Bill No. 669] must read as follows:

"NEW SECTION. **Section 2. Older Montanans trust state special revenue account.** (1) There is an account in the state special revenue fund established in 17-2-102 to the credit of the department of public health and human services to be known as the older Montanans trust state special revenue account.

(2) The purpose of the account is to fund an increase in the base daily reimbursement rate for adult residential slots of $3.50 beginning July 1, 2020, and to fund 34 additional medicaid basic and adult residential waiver slots at senior and long-term care for elderly and physically disabled persons receiving home and community-based services through the big sky waiver as follows:

(a) eight slots beginning July 1, 2019;
(b) eight slots beginning January 1, 2020;
(c) eight slots beginning July 1, 2020; and
(d) eight slots beginning January 1, 2021.""

And, as amended, be concurred in.

HB 715, be amended as follows:

1. Title, page 1, line 5.
Strike: "TAX"
Insert: "FINANCIAL"

2. Title, page 1, line 6.
Following: "MODERNIZATION"
Insert: "AND RISK ANALYSIS"
Strike: "JOINT"

3. Title, page 1, line 6 through line 7.
Strike: "REVENUE AND TRANSPORTATION INTERIM AND"

4. Title, page 1, line 7.
Strike: "COMMITTEES"
Insert: "COMMITTEE"
Strike: "PUBLIC"
Insert: "OTHER"

5. Title, page 1, line 9.
Following: "STUDIES;"
Insert: "PROVIDING FOR A TRANSFER OF FUNDS INTO THE BUDGET STABILIZATION RESERVE FUND;"

6. Title, page 1, line 10.

Following: "SECTIONS"
Insert: "5-12-205, 10-3-312,"
Following: "17-7-130"
Insert: ","

7. Page 1.
Following: line 14
"Section 1. Section 5-12-205, MCA, is amended to read:

"5-12-205. Powers and duties of committee. The committee:

(1) may organize, adopt rules to govern its proceedings, form subcommittees, and meet as often as necessary, upon the call of the presiding officer, to advise and consult with the legislative fiscal analyst;

(2) may employ and, in accordance with the rules for classification and pay adopted by the legislative council, set the salary of the legislative fiscal analyst. The legislative fiscal analyst shall serve at the pleasure of and be responsible for providing services to the committee.

(3) may exercise the investigatory powers of a standing committee under chapter 5, part 1, of this title;

(4) shall monitor the information technology policies of the department of administration with specific attention to:

(a) identification of information technology issues likely to require future legislative attention; and

(b) the evaluation of proposed information technology policy changes and the fiscal implications of the proposed changes and shall provide written responses to the department of administration communicating the committee's positions and concerns on proposed policy changes;

(5) may accumulate, compile, analyze, and provide information relevant to existing or proposed legislation on how information technology can be used to impact the welfare of the state;

(6) may prepare legislation to implement any proposed changes involving information technology; ~~and~~

(7) shall, before each regular and special legislative session involving budgetary matters, prepare recommendations to the house appropriations committee and the senate finance and claims committee on the application of certain budget issues. At a minimum, the recommendations must include procedures for the consistent application during each session of inflation factors, the allocation of fixed costs, and the personal services budget. The committee may also make recommendations on other issues of major concern in the budgeting process, such as estimating the cost of implementing particular programs based upon present law~~.~~; and

(8) may, for the biennium beginning July 1, 2019, appoint up to six ad hoc nonvoting committee members from the house of representatives. These members may participate in meetings, but may not vote."

Renumber: subsequent sections

8. Page 1.
Following: line 14
Insert: "Section 2. Section 10-3-312, MCA, is amended to read:

"10-3-312. Maximum expenditure by governor -- appropriation. (1) Whenever a disaster or an emergency, including an energy emergency as defined in 90-4-302 or an invasive species emergency declared under 80-7-1013, is declared by the governor, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and, subject to subsection (2), the governor is authorized to expend from the general fund an amount not to exceed $16 million in any biennium, minus any amount appropriated pursuant to 10-3-310 in the same biennium. The statutory appropriation in this subsection may be used by any state agency designated by the governor.

(2) In the event of the recovery of money expended under this section, the spending authority must be reinstated to a level reflecting the recovery.

(3) If a disaster is declared by the president of the United States, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund an amount not to exceed $500,000 during the biennium to meet the state's share of the individuals and households grant programs as provided in 42 U.S.C. 5174. The statutory appropriation in this subsection may be used by any state agency designated by the governor.

(4) ~~At~~ Except as provided in subsection (5), at the end of each biennium, an amount equal to the unexpended and unencumbered balance of the $16 million statutory appropriation in subsection (1), minus any amount appropriated pursuant to 10-3-310 in the same biennium, must be transferred by the state treasurer from the state general fund to the fire suppression account provided for in 76-13-150.

(5) For the biennium ending June 30, 2019, the state treasurer shall transfer the amount calculated pursuant to subsection (4) from the state general fund into the budget stabilization reserve fund established in 17-7-130.""

Renumber: subsequent sections

9. Page 1, line 21.
Strike: "operating"

10. Page 3, line 17.
Following: "biennium."
Insert: "Starting January 1, 2021, a governor may not reduce total agency spending in the biennium by more than 4% of the second year appropriations for the agency."

11. Page 3, line 19.
Strike: "total"
Insert: "weighted average"

12. Page 5, line 9 through line 13.
Strike: subsection (6) in its entirety
Insert: "(6) Before January 1, 2021, the governor may authorize transfers from the budget stabilization reserve fund prior to making reductions in spending. A transfer under this subsection may not cause the fund balance of the budget stabilization reserve fund to be less than 1% of all general fund appropriations in the second year of the biennium."

13. Page 5, line 23.
Strike: "tax"
Insert: "financial"
Following: "modernization"
Insert: "and risk analysis"

14. Page 5, line 25.
Following: "members"
Strike: "of the public"
Following: "budget"
Strike: "needs"
Following: "revenue"
Strike: "collections"
Insert: "needs"

15. Page 6, line 2.
Strike: "of the public"

16. Page 6, line 8.
Following: "structural"
Insert: "revenue"

17. Page 6, line 8 through line 17.
Strike: ", including" on line 8 through subsection (V) in their entirety
Insert: "with economic, demographic, and geographical variability considerations;"

18. Page 6, line 20.
Strike: "increasing"
Following: "costs"
Strike: "and"
Insert: ","

Following: "consumption"
Insert: ", and funding"

19. Page 6, line 24.
Strike: "and"

20. Page 6.
Following: line 25
Insert: "(vii) local government spending including infrastructure; and"

21. Page 6, line 26.
Following: "legislature"
Strike: ","

Insert: "."

22. Page 6, line 27 through page 7, line 1.
Strike: line 27 through line 1

23. Page 7, line 4.
Strike: "policy practices of other states"
Insert: "conditions"

24. Page 7, line 6.
Strike: "and evaluation of state practices"

25. Page 7.
Following: line 8
Insert: "(b) local government expenditures and funding;"
Renumber: subsequent subsections

26. Page 7, line 9.
Following: "supporting"
Insert: "natural resource programs, education programs, and"

27. Page 7, line 16.
Strike: "$10,000"
Insert: "$80,000"

28. Page 7, line 18.
Strike: "[section 3]"
Insert: "[section 5]"

29. Page 7, line 20.
Strike: "[section 4]"
Insert: "[section 6]"

30. Page 7, line 30.
Strike: "operating"

31. Page 8, line 2.
Following: "issuance;"
Insert: "and"

32. Page 8, line 3.
Following: "legislature;"
Strike: "; and"
Insert: "."

33. Page 8, line 4.
Strike: subsection (iii) in its entirety

34. Page 9.
Following: line 13
Insert: "COORDINATION SECTION. **Section 9. Coordination instruction.** If both [House Bill No. 175] and [this act] are passed and approved, then [section 4(4) of House Bill No. 175] must read:

"(4) The following money is appropriated for the biennium beginning July 1, 2019, to the office of budget and program planning from the designated state fund, to be distributed to agencies when personnel vacancies do not occur or leave payout costs exceed agency resources:

General Fund	$2,000,000
State Special Revenue	$700,000
Federal Special Revenue	$250,000
Proprietary Funds	$50,000""

35. Page 9, line 16.
Strike: "[section 3], [section 3 of this act]"
Insert: "[section 5], [section 5 of this act]"

36. Page 9, line 18.
Strike: "[section 4], [section 4 of this act]"
Insert: "[section 6], [section 6 of this act]"

37. Page 9, line 22.
Following: "(2)"
Strike: "[Section 3]"
Insert: "[Sections 2 and 5]"

38. Page 9, line 24.
Following: "~~terminates~~"
Insert: "(1)"
Strike: "[SECTIONS 3 AND 4]"
Insert: "[Sections 5 and 6]"

39. Page 9.
Following: line 25
Insert: "(2) [Section 2] terminates August 15, 2019."

And, as amended, be concurred in.

HB 725, be concurred in.
HB 763, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 16**
Report No. 001, April 12, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 16** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 16** (reference copy -- salmon) be amended as follows:

1. Page 2, line 4.
Strike: subsection (vi) in its entirety

For the Senate:	For the House:
R. Webb, Chair	Fern, Vice Chair
Blasdel	T. Moore
McClafferty	Welch

Without objection, the select committee report was adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 4 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 413 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 32

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Lang, Olszewski, Osmundson, Smith C, Thomas, Vance, Webb, Mr President.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 433 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, MacDonald, Malek, McClafferty, McConnell, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 440 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 38

Nays: Blasdel, Brown, Ellsworth, Hinebauch, Howard, Kary, Keenan, Osmundson, Phillips, Smith C, Vance, Mr President.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 598 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Brown, Cuffe, Esp, Fielder, Howard, Smith C, Vance, Mr President.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 631 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.

Total 27

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 23

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 654 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Esp, Fielder, Keenan, Lang, Regier, Vance.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 657 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 40

Nays: Brown, Cuffe, Esp, Fielder, Hinebauch, Howard, Keenan, Vance, Welborn, Mr President.

Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 695 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Brown, Esp, Howard, Vance.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 716 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 32

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Smith C, Thomas, Vance, Welborn, Mr President.
Total 18

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 754 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Mr President.
Total 40

Nays: Ankney, Cuffe, Esp, Hinebauch, Keenan, Lang, Osmundson, Tempel, Vance, Welborn.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 10 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 38

Nays: Blasdel, Ellsworth, Esp, Hinebauch, Keenan, Lang, Olszewski, Osmundson, Smith C, Vance, Welborn, Mr President.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 23 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 30

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 292 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 567 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond,

Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 21 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vance, Vuckovich, Webber.
Total 28

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Webb, Welborn, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 67 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 40

Nays: Barrett, Bennett, Boland, Ellis, Gross, McConnell, Phillips, Pomnichowski, Sands, Smith F.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 92 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Hinebauch, Keenan.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 162 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 41

Nays: Blasdel, Ellsworth, Esp, Fielder, Smith C, Thomas, Vance, Welborn, Mr President.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 205 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 232 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 37

Nays: Blasdel, Cuffe, Ellsworth, Fielder, Hinebauch, Kary, Lang, Olszewski, Osmundson, Smith C, Vance, Welborn, Mr President.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 258 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 262 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 300 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 39

Nays: Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Kary, McConnell, McNally, Olszewski, Pomnichowski, Mr President.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 12, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Esp.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 158, **Conference Committee Report No. 5**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Smith F.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the Senate recess until 4:00 p.m. Motion carried. Senate recessed at 3:05 p.m.

Senate reconvened at 4:10 p.m., President Sales presiding.

MOTIONS

Senator Bennett moved that **HB 645** be taken from the Judiciary Committee and placed on second reading this date. Motion **failed** as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 24

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 26

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Cuffe arose on a point of personal privilege and apologized for providing incorrect

information during the discussion of **HB 5**.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/12/2019
HB 753, be concurred in.

Without objection, the committee report was adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blasdel in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 722 - Senator Esp moved **HB 722** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 200 - **House Amendments** - Senator R. Webb moved House amendments to **SB 200** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp,

Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Cohenour.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 269 - **House Amendments** - Senator MacDonald moved House amendments to **SB 269** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 35

Nays: Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Olszewski, Osmundson, Regier, Smith C, Vance, Webb, Mr President.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 286 - **House Amendments** - Senator Bennett moved House amendments to **SB 286** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 289 - **House Amendments** - Senator Sands moved House amendments to **SB 289** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 49

Nays: Welborn.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 291 - **House Amendments** - Senator Thomas moved House amendments to **SB 291** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 296 - **House Amendments** - Senator Fitzpatrick moved House amendments to **SB 296** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 299 - **House Amendments** - Senator Lang moved do **not** concur in House amendments to **SB 299**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, McClafferty, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 35

Nays: Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, McConnell,

McNally, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 318 - **House Amendments** - Senator R. Webb moved House amendments to **SB 318** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Barrett, MacDonald, Phillips, Pomnichowski.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 9 - **House Amendments** - Senator Pomnichowski moved House amendments to **SJ 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 48

Nays: Lang, Webb.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Blasdel moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Bennett.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved that **HB 660** and **HB 661** be taken from the Senate and referred to the Finance and Claims Committee. Without objection, so ordered.

Majority Leader Thomas moved to appoint a Conference Committee on **SB 299** and request the House to appoint a like committee. Motion carried. President Sales appointed:

4/12/2019

Senator Lang, Chair
Senator Jacobson
Senator Richmond

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 9 a.m., Saturday, April 13, 2019, the seventy-eighth legislative day. Motion carried.

Senate adjourned at 4:33 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SEVENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 13, 2019 — State Capitol

Senate convened at 10:35 a.m. President Sales presiding. Invocation by Majority Leader Thomas. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Ellsworth and Esp excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/13/2019
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the sixty-sixth through the seventieth legislative days, find the same to be correct.

Correctly printed: **SR 44**, **SR 45**, **SR 52**, **SR 54**, **SJ 22**, **SJ 24**, **SJ 31**, **SJ 32**, **HB 5**, **HB 280**, **HB 293**, **HB 403**, **HB 407**, **HB 441**, **HB 443**, **HB 613**, **HB 643**, **HB 652**, **HB 660**, **HB 661**, **HB 684**, **HB 722**, **HB 725**, **HB 731**, **HB 745**, **HB 749**, **HB 753**, **HB 763**, **HJ 12**, **HJ 16**, **HJ 38**.
Correctly engrossed: **HB 8**, **HB 411**, **HB 431**, **HB 670**, **HB 715**, **HB 735**.
Correctly enrolled: **SB 100**.
Examined by the sponsor and found to be correct: **SB 35**, **SB 37**, **SB 38**, **SB 69**, **SB 100**, **SB 155**, **SB 334**.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/12/2019
HB 411, be amended as follows:

1. Page 3, line 3.
Strike: "60%"
Insert: "63%"

And, as amended, be concurred in.

HB 431, be amended as follows:

1. Page 7, line 5 through line 8.
Strike: "subsection (c) in its entirety"
Insert: "(c) is the primary owner of an agricultural operation, including an heir, a successor, or an assignee of the operation."

2. Page 9, line 15.
Strike: "2029"
Insert: "the amendments to 15-35-108 terminate"

3. Page 9, line 24.

Strike: "[Section 6] terminates June 30, 2029"
Insert: "[This act] terminates June 30, 2029"

And, as amended, be concurred in.

Without objection, committee reports are adopted.

MESSAGES FROM THE GOVERNOR

April 12, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Friday, April 12, 2019, I signed **Senate Bill 274** - Olszewski.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/12/2019

SB 8, introduced by K. Regier
SB 111, introduced by M. Blasdel
SB 176, introduced by T. Jacobson
SB 317, introduced by M. Lang
SB 319, introduced by D. Kary
SB 326, introduced by N. McConnell
SB 351, introduced by J. Ellsworth
SB 353, introduced by J. Cohenour

Senate joint resolution concurred in and returned to the Senate: 4/12/2019

SJ 13, introduced by M. Cuffe

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/12/2019

SB 76, introduced by B. Hoven
SB 247, introduced by J. Cohenour
SB 253, introduced by C. Smith

Conference Committee Report No.1 adopted: 4/12/2019

SB 12, introduced by D. Salomon
SB 158, introduced by G. Vance

Senate amendments to House bills concurred in: 4/12/2019

HB 662, introduced by L. Jones
HB 688, introduced by D. Bartel

House joint resolutions passed and transmitted to the Senate for concurrence: 4/12/2019

HJ 31, introduced by B. Mercer
HJ 36, introduced by J. Krautter
HJ 43, introduced by G. Pierson
HJ 45, introduced by D. Loge

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 31, introduced by B. Mercer, referred to Judiciary.
HJ 36, introduced by J. Krautter, S. Fitzpatrick, S. Morigeau, A. Olsen, K. Sullivan, referred to Judiciary.
HJ 43, introduced by G. Pierson, referred to Judiciary.
HJ 45, introduced by D. Loge, D. Fern, referred to Highways and Transportation.

Senators Ellsworth and Esp were present at this time.

MOTIONS

Senator Sesso moved **HB 658** be taken from the Senate and placed on second reading this date. Motion failed as follows

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 24

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 26

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Keenan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Majority Leader Thomas excused at this time.

SB 49 - **House Amendments** - Senator Cohenour moved House amendments to **SB 49** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Cuffe, Vance.
Total 2

Paired: None.

Excused: Thomas.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas present at this time.

SB 51 - **House Amendments** - Senator Barrett moved House amendments to **SB 51** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 515 - Senator Malek moved **HB 515** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 32

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Tempel, Vance, Webb, Mr President.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 626 - Senator Malek moved **HB 626** be concurred in.

HB 626 - Senator Ellsworth moved **HB 626**, second reading copy, be amended as follows:

1. Page 2, line 21.
Following: line 20
Insert: "(5) Individuals who demonstrate to the board on or before May 1, 2021, that they meet the applicable work and education experience as provided in subsection (1) are exempt from examination procedures provided in subsection (2)(b) and may be licensed under this section."
Renumber: subsequent subsections

2. Page 3, line 27.
Following: line 26
Insert: "(5) Individuals who demonstrate to the board on or before May 1, 2021, that they meet the applicable work and education experience as provided in subsection (1) are exempt from examination procedures provided in subsection (2)(b) and may be licensed under this section."
Renumber: subsequent subsections

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Olszewski, Tempel.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 626 - As amended, **HB 626** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 30

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 727 - Senator Fitzpatrick moved **HB 727** be concurred in.

HB 727 - Senator Vance moved **HB 727**, second reading copy, be amended as follows:

1. Title, page 1, line 11.
Strike: "AND A TERMINATION DATE"

2. Page 28, line 27.
Strike: section 13 in its entirety

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 727 - As amended, **HB 727** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 39

Nays: Blasdel, Brown, Esp, Hinebauch, Howard, Keenan, Lang, Phillips, Pomnichowski, Smith C, Webb.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 732 - Senator Small moved **HB 732** be concurred in.

HB 732 - Senator D. Brown moved **HB 732**, second reading copy, be amended as follows:

1. Page 1, line 18.
Following: "safe working conditions"
Insert: "and that the first 2 hours, at a minimum, of the student's employment were devoted to safety instruction through a safety training program that is specific to the student's employment"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gillespie, Gross, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 38

Nays: Blasdel, Bogner, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Lang, Phillips, Pomnichowski, Salomon, Smith C.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 732 - As amended, **HB 732** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Smith C, Tempel, Vance, Webb, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 52 - Senator Ankney moved **HB 52** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Regier.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 597 - Senator K. Regier moved **HB 597** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Cuffe, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Hoven, Kary, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Welborn, Mr President.
Total 20

Nays: Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Esp, Fielder, Flowers, Gross, Hinebauch, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 30

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals reflect a change of vote from No to Yes made by Senator Small under Motions.

HB 773 - Senator Osmundson moved **HB 773** be concurred in. Motion **failed** as follows:

Yeas: Brown, Fitzpatrick, Gillespie, Howard, Kary, McConnell, McNally, Osmundson, Sesso, Smith C, Vance, Mr President.
Total 12

Nays: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 38

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 773 - Majority Leader Thomas moved **HB 773** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gross, Hinebauch, Howard, Jacobson, Kary,

Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Fitzpatrick, Gillespie, Hoven, Smith C.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 597 - Majority Leader Thomas moved **HB 597** be **indefinitely postponed**. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Fielder, Flowers, Gross, Hinebauch, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber.
Total 27

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Howard, Kary, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 23

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 439 - Senator Fielder moved **HB 439** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Barrett, Bennett, Cohenour, Ellis, Flowers, Gross, Malek, Smith C.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 555 - Senator Olszewski moved **HB 555** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 680 - Senator Sands moved **HB 680** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 696 - Senator Malek moved **HB 696** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn, Mr President.
Total 43

Nays: Hinebauch, Keenan, Osmundson, Regier, Salomon, Vance, Webb.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 525 - Senator Bennett moved **HB 525** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 39

Nays: Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Lang, Osmundson, Regier, Mr President.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 676 - Senator Bennett moved **HB 676** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Hinebauch, Keenan, Lang.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 776 - Senator Pomnichowski moved **HB 776** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 636 - Senator Gillespie moved **HB 636** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 656 - Senator Richmond moved **HB 656** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 723 - Senator Gillespie moved **HB 723** be concurred in.

HB 723 - Majority Leader Thomas moved consideration of **HB 723** be passed for the day. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Keenan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McConnell, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 38

Nays: Barrett, Bennett, Boland, Cohenour, Gross, MacDonald, McClafferty, McNally, Sands, Smith F, Vuckovich, Webber.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Osmundson, Chair): 4/13/2019
HB 660, be amended as follows:

1. Page 4.
Following: line 3
Insert: "NEW SECTION. **Section 5. Coordination with existing programs -- legislative intent.** The legislature intends that the department of public health and human services coordinate the provisions of [this act] with current suicide and mental health crisis response programs as recommended in the 2016 Montana suicide mortality review team report."
Renumber: subsequent sections

And, as amended, be concurred in.

HB 661, be amended as follows:

1. Page 14.
Following: line 15
Insert: "NEW SECTION. **Section 13. Restriction on administrative costs.** The department of transportation may not retain any money from the increased revenue generated by [this act] for administrative purposes."
Renumber: subsequent sections

And, as amended, be concurred in.

HB 685, be amended as follows:

1. Title, page 1, line 5.
Following: "SECTION D;"
Insert: "GENERALLY REVISING LAWS REGARDING DRIVING UNDER THE INFLUENCE; PROVIDING DEFINITIONS, A DESCRIPTION OF DRIVING UNDER THE INFLUENCE CRIMES, TREATMENT REQUIREMENTS, SOBRIETY MONITORING PROGRAM, IMPLIED CONSENT AND ADMINISTRATIVE LICENSE SUSPENSION, APPEAL PROCESS, CONDITIONS OF ADMISSIBILITY, PROCESS FOR ADMINISTRATION OF TESTS, CONDITIONS FOR RECEIVING A PROBATIONARY DRIVER'S LICENSE, OPEN CONTAINER VIOLATION, AND REVOCATION AND SUSPENSION OF LICENSE PROCEDURES; PROVIDING RULEMAKING AUTHORITY; PROVIDING PENALTIES; PROVIDING DEFINITIONS; AMENDING SECTIONS 23-2-535, 44-4-1202, 44-4-1203, 44-4-1205, 45-5-106, 45-5-205, 45-5-207, 45-5-628, 46-16-130, 46-18-201, 46-18-236, 50-46-320, 53-9-103, 61-1-101, 61-2-107, 61-2-302, 61-5-125, 61-5-205, 61-5-208, 61-5-212, 61-5-218, 61-5-231, 61-5-405, 61-8-101, 61-8-102, 61-8-805, 61-8-807, 61-11-101, AND 67-1-211, MCA; REPEALING SECTIONS 61-8-401, 61-8-402, 61-8-403, 61-8-404, 61-8-405, 61-8-406, 61-8-407, 61-8-408,

61-8-409, 61-8-410, 61-8-411, 61-8-421, 61-8-422, 61-8-440, 61-8-441, 61-8-442, 61-8-460, 61-8-461, 61-8-465, 61-8-714, 61-8-722, 61-8-731, 61-8-732, 61-8-733, 61-8-734, AND 61-8-741, MCA;"
Following: the second "PROVIDING"
Strike: "AN"
Insert: "A DELAYED"

2. Title, page 1, line 6.
Following: "DATE"
Insert: "AND AN APPLICABILITY DATE"

3. Page 1, line 10 through 11.
Strike: line 10 through line 11 in their entirety
Insert: NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 17], unless the context requires otherwise and unless a different meaning plainly is required, the following definitions apply:

(1) "Aggravated driving under the influence" means a person is in violation of [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)] and:

(a) the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.16 or more;

(b) the person is under the order of a court or the department to equip any motor vehicle the person operates with an approved ignition interlock device;

(c) the person's driver's license or privilege to drive is suspended, canceled, or revoked as a result of a prior violation of driving under the influence, including a violation of [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence, or a similar offense under previous laws of this state or the laws of another state; or

(d) the person refuses to give a breath sample as required in [section 8] and the person's driver's license or privilege to drive was suspended, canceled, or revoked under the provisions of an implied consent statute.

(2) "Alcoholic beverage" means a compound produced for human consumption as a drink that contains 0.5% or more of alcohol by volume.

(3) "Alcohol concentration" means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath, including as used in 16-6-305, 23-2-535, 45-5-207, 67-1-211, and this title.

(4) "Bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more passengers, including the driver.

(5) "Camper" has the meaning provided in 61-1-101.

(6) "Commercial motor vehicle" has the meaning provided in 61-1-101.

(7) "Drug" means any substance, that when taken into the human body can impair a person's ability to operate a vehicle safely. The term includes the meanings provided in 50-32-101(6), (7), and (14).

(8) "DUI court" means any court that has established a special docket for handling cases involving persons convicted under [section 3 or 4] and that implements a program of incentives and sanctions intended to assist a participant to complete treatment ordered

pursuant to [section 5] and to end the participant's criminal behavior associated with the use of alcohol or drugs.

(9) "Highway" has the meaning provided in 61-1-101, including the shoulders of the highway.

(10) "Motor home" has the meaning provided in 61-1-101.

(11) "Motor vehicle" has the meaning provided in 61-1-101.

(12) "Open alcoholic beverage container" means a bottle, can, jar, or other receptacle that contains any amount of an alcoholic beverage and that is open or has a broken seal or the contents of which are partially removed.

(13) "Passenger area" means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while the driver or a passenger is seated in the vehicle, including an unlocked glove compartment.

(14) "Passenger for hire" means a passenger for whom consideration is contributed or expected as a condition of carriage in the vehicle, whether directly or indirectly flowing to the owner, operator, agent, or any other person having an interest in the vehicle.

(15) "Prearranged ride" has the meaning provided in 69-12-101.

(16) "Under the influence" means that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished.

(17) "Vehicle" has the meaning provided in 61-1-101, except that the term does not include a bicycle."

Insert: NEW SECTION. **Section 2. Driving under influence.** (1) A person commits the offense of driving under the influence if the person drives or is in actual physical control of:

(a) a vehicle or a commercial motor vehicle upon the ways of this state open to the public while under the influence of alcohol, any drug, or a combination of alcohol and any drug;

(b) a noncommercial vehicle upon the ways of this state open to the public while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.08 or more;

(c) a commercial motor vehicle within this state while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.04 or more;

(d) a noncommercial vehicle within this state when a passenger for hire is a passenger in the vehicle at the time of the offense while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.04 or more;

(e) a noncommercial vehicle or commercial motor vehicle within this state while the person's delta-9-tetrahydrocannabinol level, excluding inactive metabolites, as shown by analysis of the person's blood or other bodily substance, is 5 ng/ml or more;

(f) a vehicle within this state when the person is under 21 years of age at the time of the offense while the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.02 or more but less than 0.08.

(2) The fact that any person charged with a violation of subsection (1) is or has been entitled to use alcohol or a drug under the laws of this state does not constitute a defense against any charge of violating subsection (1).

(3) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person driving or in actual physical control of a vehicle while under the influence of alcohol, the concentration of alcohol in the person at the time of a test,

as shown by analysis of a sample of the person's blood, breath, or other bodily substance drawn or taken within a reasonable time after the alleged act, gives rise to the following inferences:

(a) if there was at that time an alcohol concentration of 0.04 or less, it may be inferred that the person was not under the influence of alcohol;

(b) if there was at that time an alcohol concentration in excess of 0.04 but less than 0.08, that fact may not give rise to any inference that the person was or was not under the influence of alcohol, but the fact may be considered with other competent evidence in determining the guilt or innocence of the person; and

(c) if there was at that time an alcohol concentration of 0.08 or more, it may be inferred that the person was under the influence of alcohol. The inference is rebuttable.

(4) The provisions of subsection (3) do not limit the introduction of any other competent evidence bearing on the issue of whether the person was under the influence of alcohol, drugs, or a combination of alcohol and drugs.

(5) Each municipality in this state is given authority to enact this section, with the word "state" changed to read "municipality", as an ordinance and is given jurisdiction of the enforcement of the ordinance and the imposition of the fines and penalties provided in the ordinance.

(6) Absolute liability, as provided in 45-2-104, is imposed for a violation of this section.

(7) When the same acts may establish the commission of an offense under subsection (1), a person charged with the conduct may be prosecuted for a violation of another relevant subsection under subsection (1). However, the person may be convicted of only one offense under this section or of a similar offense under previous laws of this state."

Insert: NEW SECTION. **Section 3. Penalty for driving under influence -- first through third offenses.** (1) (a) Except as provided in subsection (1)(b) or (1)(c), a person convicted of a violation of [section 2(1)(a)] shall be punished as follows:

(i) for a first violation, by imprisonment for not less than 24 consecutive hours or more than 6 months and by a fine of not less than $600 or more than $1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours or more than 1 year and by a fine of not less than $1,200 or more than $2,000;

(ii) for a second violation, by imprisonment for not less than 7 consecutive days or more than 1 year and by a fine of not less than $1,200 or more than $2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 14 days or more than 1 year and a fine of not less than $2,400 or more than $4,000; or

(iii) for a third violation, by imprisonment for not less than 30 consecutive days or more than 1 year and by a fine of not less than $2,500 or more than $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 days or more than 1 year and by a fine of not less than $5,000 or more than $10,000.

(b) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in [section 4] for a fourth or subsequent offense of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of

this state or the laws of another state.

(c) If the person has a prior conviction or pending charge for a violation of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state, and the violation meets the definition of aggravated driving under the influence in [section 1], the person shall be punished as provided in subsection (4) of this section.

(2) (a) Except as provided in subsection (2)(b) or (2)(c), a person convicted of a violation of [section 2(1)(b), (1)(c), (1)(d), or (1)(e)] shall be punished as follows:

(i) for a first violation, by imprisonment for not more than 6 months and by a fine of not less than $600 or more than $1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not more than 6 months and by a fine of not less than $1,200 or more than $2,000;

(ii) for a second violation, by imprisonment for not less than 5 consecutive days or more than 1 year and by a fine of not less than $1,200 or more than $2,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 10 consecutive days or more than 1 year and by a fine of not less than $2,400 or more than $4,000; or

(iii) for a third violation, by imprisonment for not less than 30 consecutive days or more than 1 year and by a fine of not less than $2,500 or more than $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 60 consecutive days or more than 1 year and by a fine of not less than $5,000 or more than $10,000.

(b) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in [section 4] for a fourth or subsequent offense of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state.

(c) If the person has a prior conviction or pending charge for a violation of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state, and the violation meets the definition for aggravated driving under the influence in [section 1], the person shall be punished as provided in subsection (4) of this section.

(3) (a) A person convicted of a violation of [section 2(1)(f)] shall be punished as follows:

(i) For a first violation, the person must be fined not less than $200 or more than $500, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be fined not less than $400 or more than $1,000. A conviction under this section may not be counted as a prior conviction under [section 2], a similar offense under previous laws of this state, or a similar offense under the laws of another state.

(ii) Except as provided in 61-8-723, for a second violation, the person shall be sentenced in accordance with subsection (2)(a)(ii). A conviction under this section may not be counted as a prior conviction under [section 2], a similar offense under previous laws of this state, or a similar offense under the laws of another state.

(iii) Except as provided in section 61-8-723, for a third or subsequent violation, the

person shall be sentenced in accordance with subsection (2)(a)(iii). A conviction under this section may not be counted as a prior conviction under [section 2], a similar offense under previous laws of this state, or a similar offense under the laws of another state.

(4) (a) If a violation of [section 2] meets the definition of aggravated driving under the influence in [section 1], the person shall be punished as follows:

(i) for a first violation, by imprisonment for not less than 2 consecutive days or more than 1 year and by a fine of $1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 4 consecutive days or more than 1 year and by a fine of $2,000;

(ii) for a second violation, by imprisonment for not less than 15 consecutive days or more than 1 year and by a fine of $2,500, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 45 consecutive days or more than 1 year and by a fine of $5,000; or

(iii) For a third violation, by imprisonment for not less than 60 consecutive days or more than 1 year and by a fine of $5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 120 days or more than 1 year and by a fine of $10,000.

(b) The mandatory minimum imprisonment term may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to [section 5]. During any suspended portion of sentence imposed by the court:

(i) the person is subject to all conditions of the suspended sentence imposed by the court, including mandatory participation in drug or DUI courts, if available;

(ii) the person is subject to all conditions of the 24/7 sobriety and drug monitoring program, if available and if imposed by the court; and

(iii) if the person violates any condition of the suspended sentence or any treatment requirement, the court may impose the remainder of any imprisonment term that was imposed and suspended.

(d) If the person has a prior conviction or pending charge for a violation of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state, the person shall be punished as provided in this subsection (4).

(e) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in [section 4] for a fourth or subsequent offense of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state.

(5) In addition to the punishment provided in this section, regardless of disposition, the person shall comply with the chemical dependency education course and chemical dependency treatment provisions in [section 5] as ordered by the court."

Insert: NEW SECTION. **Section 4. Penalty for driving under influence -- fourth and**

subsequent offenses. (1) Except as provided in subsection (4), a person is guilty of a felony if:

(a) the person is convicted of a violation of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state;

(b) the person has either a single conviction under 45-5-106 or any combination of three or more prior convictions under 45-5-104, 45-5-205, 45-5-628(1)(e), or driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state; and

(c) the offense under 45-5-104, if applicable, occurred while the person was operating a vehicle while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in [section 2(1)].

(2) A person found guilty of a felony under subsection (1) shall be punished by:

(a) (i) being sentenced to the department of corrections for placement in an appropriate correctional facility or program for a term of not less than 13 months or more than 2 years. The court shall order that if the person successfully completes a residential alcohol treatment program approved by the department of corrections, the remainder of the sentence must be served on probation. The imposition or execution of the sentence may not be deferred or suspended, and the person is not eligible for parole.

(ii) being sentenced to either the department of corrections or the Montana state prison or Montana women's prison for a term of not more than 5 years, all of which must be suspended, to run consecutively to the term imposed under subsection (2)(a)(i); and

(iii) a fine of not less than $5,000 or more than $10,000; or

(b) being sentenced to an appropriate treatment court program for a term of not more than 5 years, with required completion, and a fine of not less than $5,000 or more than $10,000. If sentenced under this subsection (2)(b), the person may be entitled to a suspended sentence and is not eligible for a deferred imposition of sentence.

(3) The department of corrections may place an offender sentenced under subsection (2)(a) in a residential alcohol treatment program approved by the department of corrections.

(4) (a) A person meeting the following criteria shall be punished by imprisonment for not more than 10 years and by a fine of not less than $5,000 or more than $10,000:

(i) the person is convicted of a violation of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state;

(ii) the person has either a single conviction under 45-5-106 or any combination of four or more prior convictions under 45-5-104, 45-5-205, 45-5-628(1)(e), or driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state; and

(iii) the offense under 45-5-104, if applicable, occurred while the person was operating a vehicle while under the influence as provided in [section 1(1) and section 2] or a similar offense under previous laws of this state and the person was previously sentenced under either subsection (2)(a) or (2)(b).

(b) If sentenced under this subsection (4), the person is not eligible for a deferred sentence. If the court determines, based on the findings contained in a chemical dependency assessment prepared pursuant to [section 5], that a long-term residential alcohol treatment program affords a better opportunity for rehabilitation of the offender and for the protection of society, the offender's term of imprisonment may include placement in a long-term residential alcohol treatment program approved by the department of corrections. The court shall include in its judgment a statement of the reasons for its determination.

(5) If a person has previously been convicted and sentenced under subsection (4) on a different occasion other than the first, the person shall be fined not less than $5,000 or more than $10,000 and be sentenced to imprisonment for not more than 25 years. If sentenced under this subsection (5), the person is not eligible for a deferred sentence.

(6) The court shall, as a condition of probation, order that:

(a) the person abide by the standard conditions of probation promulgated by the department of corrections;

(b) a person who is financially able pay the costs of imprisonment, probation, and alcohol treatment under this section;

(c) the person may not frequent an establishment where alcoholic beverages are served;

(d) the person may not consume alcoholic beverages;

(e) the person may not operate a motor vehicle unless authorized by the person's probation officer;

(f) the person enter in and remain in an aftercare treatment program for the entire probationary period;

(g) the person submit to random or routine drug and alcohol testing; and

(h) if the person is permitted to operate a motor vehicle, the vehicle be equipped with an ignition interlock device.

(7) The sentencing judge may impose on the defendant any other reasonable restrictions or conditions during the period of probation. Reasonable restrictions or conditions may include but are not limited to:

(a) payment of a fine as provided in 46-18-231;

(b) payment of costs as provided in 46-18-232 and 46-18-233;

(c) payment of costs of assigned counsel as provided in 46-8-113;

(d) community service;

(e) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of society; or

(f) any combination of the restrictions or conditions listed in subsections (7)(a) through (7)(e).

(8) Following initial placement of a defendant in a treatment facility under subsection (3), the department of corrections may, at its discretion, place the offender in another facility or program.

(9) The provisions of 46-18-203, 46-23-1001 through 46-23-1005, 46-23-1011 through 46-23-1014, and 46-23-1031 apply to persons sentenced under this section."

Insert: NEW SECTION. **Section 5. Driving under influence -- assessment, education, and treatment required.** (1) In addition to the punishments provided in [sections 3 and 4], regardless of disposition, a defendant convicted of a violation of driving under the influence,

including [section 2], an offense that meets the definition of aggravated driving under the influence in [section 1], a similar offense under previous laws of this state or the laws of another state shall complete a chemical dependency assessment and:

(a) for a first conviction, except as provided in subsection (8)(b), a chemical dependency education course; or

(b) for a second or subsequent conviction for a violation of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state, except a fourth or subsequent conviction for which the defendant completes a residential alcohol treatment program under [section 4(3)], or as required by subsection (8) of this section, chemical dependency treatment.

(2) The sentencing judge may, in the judge's discretion, require the defendant to complete the chemical dependency assessment prior to sentencing the defendant. If the assessment is not ordered or completed before sentencing, the judge shall order the chemical dependency assessment as part of the sentence.

(3) (a) The chemical dependency assessment must be conducted by a licensed addiction counselor. The chemical dependency education course must be conducted by a certified instructor at a treatment program approved by the department of public health and human services. In addition to the punishments provided in [sections 3 and 4], regardless of disposition, a defendant convicted of a violation of driving under the influence for a first or second time who does not meet the clinical criteria for moderate or severe chemical dependency must complete an evidence-based intervention that is appropriate to the level of offense and is approved by the department of public health and human services. For a first conviction, the evidence-based intervention may include a chemical dependency education course.

(b) The defendant may attend a treatment program of the defendant's choice as long as the treatment services are provided by a licensed addiction counselor. The defendant shall pay the cost of the assessment, the education course, and chemical dependency treatment and may use health insurance to cover the costs when possible.

(4) The assessment must be conducted by a licensed addiction counselor using national standard practice assessment and placement criteria that has been approved by the department of public health and human services. It must prescribe the level of care that is clinically warranted to treat the defendant's disorder. A defendant who disagrees with the initial assessment may, at the defendant's cost, obtain a second assessment provided by a licensed addiction counselor or a program approved by the department of public health and human services.

(5) The treatment provided to the defendant at a treatment program must be at a level of care prescribed in a defendant's clinical assessment as described in subsection (4). The rules defining levels of care and treatment must mandate evidence-based treatment programs or courses approved by the department that are likely to reduce recidivism. Upon determination, the court shall order the defendant's appropriate level of treatment. If more than one counselor makes a determination as provided in this subsection, the court shall order an appropriate level of treatment based on the determination of one of the counselors.

(6) Each counselor providing education or treatment shall, at the commencement of the education or treatment, notify the court that the defendant has been enrolled in a chemical dependency education course or treatment program. If the defendant fails to attend the course

or treatment program, the counselor shall notify the court of the failure.

(7) A court or counselor may not require attendance at a self-help program other than at an open meeting, as that term is defined by the self-help program. A defendant may voluntarily participate in self-help programs.

(8) (a) Chemical dependency treatment must be ordered for a first-time or second-time offender convicted of a violation of driving under the influence, including [section 2], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state, upon a finding of moderate or severe alcohol or drug use disorder made by a licensed addiction counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services.

(b) If treatment is ordered under subsection (8)(a) for a first-time offender, the offender may not also be required to attend a chemical dependency education course.

(9) (a) On a third conviction, the treatment program provided for in subsection (5) must be one of the following:

(i) DUI or drug treatment court;

(ii) inpatient treatment, if the assessment completed supports it;

(iii) a chemical dependency treatment program operated through the department of corrections; or

(iv) outpatient treatment with appropriate clinical monitoring for a period specified in a defendant's individualized treatment plan.

(b) In the event that a defendant's chemical dependency assessment does not support any of the above, a defendant may petition the court for an alternative sentence.

(c) If the defendant is sentenced to a program operated through the department of corrections, the department shall confirm that space is available so that the court may order that the offender be placed into the chemical dependency treatment program.

(d) If a defendant fails to comply with the monitoring program imposed under subsection(9)(a)(iv), the court shall revoke the suspended sentence, if any, shall impose any remaining portion of the suspended sentence, and may include additional monthly monitoring for up to an additional 1 year.

(10) Notwithstanding 46-18-201(2), whenever a judge suspends a sentence imposed under [section 3] and orders the person to complete chemical dependency treatment under this section, the judge retains jurisdiction to impose any suspended sentence for up to 1 year."

Insert: NEW SECTION. **Section 6. Driving under influence -- ignition interlock device -- 24/7 sobriety and drug monitoring program.** (1) For a person convicted of a first offense of driving under the influence, including [section 2] or a similar offense under previous laws of this state or the laws of another state, the court may require the person to participate in a court-approved alcohol or drug detection testing program and to pay the fees associated with the testing program.

(2) On a second or subsequent conviction for a violation of driving under the influence, including [section 2], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under the laws of another state, or a second or subsequent conviction under 61-5-212 when the reason for the suspension or revocation was that the person was convicted of a violation of driving under the influence, including [section 2], an offense that meets the definition of aggravated driving under the influence in [section 1], or a

similar offense under previous laws of this state or the laws of another state, or the suspension was under [section 8] or a similar law of another state for refusal to take a test for alcohol or drugs requested by a peace officer who believed that the person might be driving under the influence, the court shall:

(a) require the person to participate in the 24/7 sobriety and drug monitoring program provided for in 44-4-1203 and to pay the fees associated with the program;

(b) restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device during the probationary period and require the person to pay the reasonable cost of leasing, installing, and maintaining the device; or

(c) require the person to participate in a court-approved alcohol or drug detection testing program and to pay the fees associated with the testing program."

Insert: NEW SECTION. **Section 7. Driving under influence -- conviction defined -- place of imprisonment -- home arrest -- exceptions -- deferral of sentence not allowed.** (1) (a) For the purpose of determining the number of convictions for prior offenses referred to in [sections 1 through 4], "conviction", as defined in 45-2-101, means:

(i) a final conviction in this state, or on a federally recognized Indian reservation, within a municipality for a municipal ordinance enacted under the authority granted in [section 2(5)];

(ii) a forfeiture, which has not been vacated, of bail or collateral deposited to secure the defendant's appearance in court in this state, in another state, or on a federally recognized Indian reservation; or

(iii) a conviction for a violation of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state.

(b) (i) Except as provided in subsection (1)(b)(ii), an offender is considered to have been previously convicted for the purposes of sentencing if less than 10 years have elapsed between the commission of the present offense and a previous conviction unless the offense is the offender's third or subsequent offense, in which case all previous convictions must be used for sentencing purposes.

(ii) Subsection (1)(b)(i) does not apply to an offender for whom an expungement pursuant to 46-18-1101 has been ordered.

(c) For the purpose of determining the number of subsequent convictions for a violation of driving under the influence, including [sections 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state, the following must be counted:

(i) a previous conviction under [section 3] for violation of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state;

(ii) a previous conviction for a violation of 45-5-104 for which the offense under 45-5-104 occurred while the person was operating a vehicle in violation of driving under the influence, including [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], an offense that meets the definition of aggravated driving under the influence in [section 1], or a similar offense under previous laws of this state or the laws of another state; and

(iii) a previous conviction for a violation of 45-5-106, 45-5-205, or 45-5-628(1)(e).

(2) Except as provided in [section 4], the court may order that a term of imprisonment imposed under [section 3 or 4] be served in another facility made available by the county and approved by the sentencing court. The defendant, if financially able, shall bear the expense of the imprisonment in the facility. The court may impose restrictions on the defendant's ability to leave the premises of the facility and may require that the defendant follow the rules of the facility. The facility may be, but is not required to be, a community-based prerelease center as provided for in 53-1-203. The prerelease center may accept or reject a defendant referred by the sentencing court.

(3) Subject to the limitations set forth in [section 3] concerning minimum periods of imprisonment, the court may order that a term of imprisonment imposed under [section 3] be served by imprisonment under home arrest, as provided in Title 46, chapter 18, part 10.

(4) A court may not defer imposition of sentence under [section 3 or 4].

(5) The provisions of 61-2-107, 61-5-205(2), and 61-5-208(2), relating to suspension of driver's licenses and later reinstatement of driving privileges, apply to any conviction under [section 3] for a violation of [section 2]."

Insert: NEW SECTION. **Section 8. Implied consent -- blood or breath tests for alcohol, drugs, or both -- refusal to submit to test.** (1) A person who operates or is in actual physical control of a vehicle or commercial motor vehicle upon the ways of this state open to the public is considered to have given consent to a test or tests of the person's blood, breath, or other bodily substance for the purpose of determining any measured amount or detected presence of alcohol or drugs in the person's body.

(2) (a) The test or tests must be administered at the direction of a peace officer when:

(i) the peace officer has particularized suspicion to believe that the person has been driving or has been in actual physical control of a vehicle or commercial motor vehicle upon the ways of this state open to the public while under the influence of alcohol, drugs, or a combination of the two and the person has been detained for a violation of driving under the influence as provided in [section 2] or an offense that meets the definition of aggravated driving under the influence in [section 1];

(ii) the person is under the age of 21 and the peace officer has particularized suspicion to believe that the person has been driving or in actual physical control of a vehicle in violation of [section 2(1)(f)]; or

(iii) the officer has probable cause to believe that the person was driving or in actual physical control of a vehicle or commercial motor vehicle:

(A) in violation of driving under the influence as provided in [section 2], and the person has been placed under arrest;

(B) in violation of driving under the influence as provided in [section 2], and the person has been involved in a motor vehicle crash or collision resulting in property damage;

(C) and the person has been involved in a motor vehicle crash or collision resulting in serious bodily injury, as defined in 45-2-101, or death; or

(D) in violation of driving under the influence as provided in [section 2] and meets the definition of aggravated driving under the influence in [section 1].

(b) A peace officer may designate which test or tests are administered.

(3) A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal has not withdrawn consent.

(4) If a person refuses to submit to one or more tests requested by the peace officer:

(a) the officer may apply for a search warrant to be issued pursuant to 46-5-224 to collect a sample of the person's blood for testing if any of the following apply:

(i) the person is under the order of a court or the department to equip any motor vehicle the person operates with an approved interlock ignition device;

(ii) the person has a passenger under the age of 16 in the vehicle;

(iii) the person has been involved in a motor vehicle crash or collision resulting in property damage, serious bodily injury as defined in 45-2-101, or death;

(iv) the person's driver's license or privilege to drive is suspended, canceled, or revoked under the provisions of an implied consent statute or as a result of a prior violation of driving under the influence, including a violation of [section 2(1)(a), (1)(b), (1)(c), (1)(d) or (1)(e)], an offense that meets the definition of aggravated driving under the influence, or a similar offense under the previous laws of this state or the laws of another state; or

(v) the person has refused to provide a breath, blood, or other bodily substance under this section in a prior investigation in this state or under a substantially similar statute in another jurisdiction or the arrested person has a prior conviction or pending offense for a violation of 45-5-104, 45-5-106, 45-5-205, [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], or a similar statute in another jurisdiction; and

(b) the officer shall immediately seize the person's driver license and immediately forward the license to the department, along with a report certified under penalty of law stating the basis for the testing request and confirming that the person refused to submit to one or more tests requested by the peace officer.

(5) Upon seizure of a driver's license, the peace officer shall issue, on behalf of the department, a temporary driving permit, which is effective 24 hours after issuance and is valid for 5 days following the date of issuance, and shall provide the driver with written notice of the license suspension and the right to a hearing as provided in [section 9].

(6) A nonresident driver's license seized under this section must be sent by the department to the licensing authority of the nonresident's home state with a report of the nonresident's refusal to submit to one or more tests requested by the peace officer.

(7) This section does not apply to tests, samples, and analyses of blood, breath, or other bodily substances used for purposes of medical treatment or care of an injured motorist, related to a lawful seizure for a suspected violation of an offense not in this part, or performed pursuant to a search warrant.

(8) This section does not prohibit the release of information obtained from tests, samples, and analyses of blood or breath for law enforcement purposes as provided in 46-4-301 and [section 11(6)]."

Insert: NEW SECTION. **Section 9. Right of appeal to court.** (1) Within 30 days after notice of the right to a hearing has been given by a peace officer, a person may file a petition to challenge the license suspension or revocation in the district court in the county where the arrest was made.

(2) The court has jurisdiction and shall set the matter for hearing. The court shall give at least 10 days' written notice of the hearing to the county attorney of the county where the arrest was made and to the city attorney if the incident leading to the suspension or revocation resulted in a charge filed in a city or municipal court. The county attorney or city attorney may represent the state. If the county attorney and the city attorney cannot agree on who will represent the state, the county attorney shall represent the state.

(3) Upon request of the petitioner, the court may order the department to return the seized license or issue a stay of the suspension or revocation action pending the hearing.

(4) The court shall take testimony and examine the facts of the case, except that the issues are limited to whether:

(a) a peace officer had particularized suspicion to believe that the person had been driving or was in actual physical control of a vehicle within this state while under the influence of alcohol, drugs, or a combination of the two and the person was detained for a violation of [section 2] or met the definition of aggravated driving under the influence in [section 1];

(b) the person is under 21 years of age and was placed under arrest for a violation of [section 2(1)(f)];

(c) the officer had probable cause to believe that the person was driving or in actual physical control of a vehicle in violation of [section 2] and the person was involved in a motor vehicle accident or collision resulting in property damage, bodily injury, or death; and

(d) the person refused to submit to one or more tests designated by the officer.

(5) For a noncommercial driver whose refusal took place in a noncommercial vehicle, the court shall order the department to either:

(a) remove the refusal from the driving record because of the issues in subsection (4) and no other;

(b) keep the refusal on the driving record and order the department to suspend the driver's license or privilege to drive for the duration of the suspension period under [section 8]; or

(c) keep the refusal on the driving record and order the department to take no further suspension action against the driver.

(6) (a) For a commercial driver or for a driver operating a commercial motor vehicle, the court shall order the department to either:

(i) remove the refusal from the driving record because of the issues in subsection (4) and no other; or

(ii) keep the refusal on the driving record and order the department to suspend the driver's license or privilege to drive for the duration of the original suspension under [section 8] or 61-8-802.

(b) For a commercial driver or a driver who was operating a commercial vehicle, the court may not order the department to:

(i) leave the refusal on the driving record and not take the suspension under [section 8] or 61-8-802; or

(ii) permanently stay the suspension taken under [section 8] or 61-8-802.

(7) If the court does not issue a ruling on the appeal within 1 year of filing, the department shall deem the court to have denied the petition and shall suspend the driver for the duration of the original suspension under [section 8] or 61-8-802.

(8) This section does not grant a right of appeal to a state court if a driver's license is initially seized, suspended, or revoked pursuant to a tribal law or regulation that requires alcohol or drug testing of motor vehicle operators. "

Insert: NEW SECTION. **Section 10. Evidence admissible -- conditions of admissibility.** (1) Upon the trial of a criminal action or other proceeding arising out of acts alleged to have been committed by a person in violation of driving under the influence, including [section 2], an offense that meets the definition of aggravated driving under the influence in [section 1], a similar offense under previous laws of this state or the laws of another state, or 61-8-805:

(a) evidence of any measured amount or detected presence of alcohol, drugs, or a combination of alcohol and drugs in the person at the time of a test, as shown by an analysis of the person's blood, breath, or other bodily substance, is admissible. A positive test result does not, in itself, prove that the person was under the influence of a drug or drugs at the time the person was in control of a vehicle. A person may not be convicted of a violation of [section 2] based on the presence of a drug or drugs in the person unless some other competent evidence exists that tends to establish that the person was under the influence of a drug or drugs while driving or in actual physical control of a motor vehicle within this state.

(b) a report of the facts and results of one or more tests of a person's blood, breath, or other bodily substance is admissible in evidence if:

(i) a breath test or preliminary alcohol screening test was performed by a person certified by the forensic sciences division of the department to administer the test; or

(ii) a blood sample or other bodily substance sample was analyzed in a laboratory operated or certified by the department or in a laboratory exempt from certification under the rules of the department and, if the sample was blood, the blood was withdrawn from the person by a person competent to do so under [section 11(1)];

(c) a report of the facts and results of a physical, psychomotor, or physiological assessment of a person is admissible in evidence if it was made by a person trained by the department or by a person who has received training recognized by the department.

(2) If the person under arrest refused to submit to one or more tests under [section 8], whether or not a sample was subsequently collected for any purpose, proof of refusal is admissible in any criminal action or proceeding arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle upon the ways of this state open to the public while under the influence of alcohol, drugs, or a combination of alcohol and drugs. The trier of fact may infer from the refusal that the person was under the influence. The inference is rebuttable.

(3) The provisions of this part do not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of alcohol, drugs, or a combination of alcohol and drugs. "

Insert: NEW SECTION. **Section 11. Administration of tests.** (1) Only a licensed physician, a registered nurse, a phlebotomist trained in a licensed hospital or educational institution, other medical personnel trained in a licensed hospital or educational institution to withdraw blood, or a law enforcement phlebotomist trained in a licensed hospital or educational institution that follows clinical and laboratory standards institute protocol regarding venipuncture standards may, at the order or request of a peace officer, withdraw blood for the purpose of determining any measured amount or detected presence of alcohol, drugs, or any combination of alcohol and drugs in the person. This limitation does not apply to the sampling of breath or other bodily substances. Blood draws by a law enforcement phlebotomist must be conducted in an environment that meets clinical and laboratory standards institute venipuncture standards and is approved by the department. The qualifications of the individual withdrawing the blood and the method used to withdraw the blood are not foundational prerequisites for the admissibility of a blood alcohol content or toxicological determination made pursuant to this subsection.

(2) In addition to any test administered at the direction of a peace officer, a person may request that an independent blood sample be drawn by a physician or registered nurse for the purpose of determining any measured amount or detected presence of alcohol, drugs, or any combination of alcohol and drugs in the person. The peace officer may not unreasonably

impede the person's right to obtain an independent blood test. The officer may, but has no duty to, transport the person to a medical facility or otherwise assist the person in obtaining the test. The cost of an independent blood test is the sole responsibility of the person requesting the test. The failure or inability to obtain an independent test by a person does not preclude the admissibility in evidence of any test given at the direction of a peace officer.

(3) Upon the request of the person tested, full information concerning any test given at the direction of the peace officer must be made available to the person or the person's attorney.

(4) A licensed physician, registered nurse, phlebotomist trained in a licensed hospital or educational institution, or other medical personnel trained in a licensed hospital or educational institution does not incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a peace officer to administer the test.

(5) The department in cooperation with any appropriate agency shall adopt uniform rules for the giving of tests and may require certification of training to administer the tests as considered necessary.

(6) If a peace officer has probable cause to believe that a person has violated [section 2], meets the definition of aggravated driving under the influence in [section 1], or has violated 61-8-805 and a sample of blood, breath, or other bodily substance is taken from that person for any reason, a portion of that sample sufficient for analysis must be provided to a peace officer if requested for law enforcement purposes and upon issuance of a subpoena as provided in 46-4-301. "

Insert: NEW SECTION. **Section 12. Ignition interlock device -- assisting in starting and operating -- circumventing -- penalty.** (1) It is unlawful for a person who is subject to a restriction under [section 14] to operate a vehicle that is not equipped with an ignition interlock device.

(2) A person may not knowingly assist a person who is restricted to the use of an ignition interlock device to start and operate the restricted person's vehicle.

(3) A person may not knowingly circumvent the operation of an ignition interlock device.

(4) A person convicted of a violation of this section shall be punished by a fine of not more than $500 or by imprisonment for not more than 6 months or both.

(5) This section does not apply if:

(a) the starting of a motor vehicle or the request to start a motor vehicle equipped with an ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle; and

(b) the person subject to the restriction does not operate the vehicle."

Insert: NEW SECTION. **Section 13. Department rules regarding ignition interlock devices -- ignition interlock device provider requirements.** (1) The department shall adopt rules providing for the approval of ignition interlock devices and the installation, calibration, repair, and removal of approved devices.

(2) The department's rules must be based on federal standards issued for similar devices.

(3) An ignition interlock device that is approved by the department must also:

(a) be designed so it does not impede safe operation of the vehicle;

(b) correlate well with the level established for alcohol impairment;

(c) work accurately and reliably in an unsupervised environment and under extreme weather conditions;

(d) require a deep lung breath sample or use an equally accurate measure of blood alcohol concentration equivalence;

(e) resist tampering and show evidence of tampering if it is attempted;

(f) be difficult to circumvent;

(g) minimize inconvenience of a sober user;

(h) operate reliably over the range of automobile environments and in connection with various manufacturing standards; and

(i) be manufactured by a person who is adequately insured for product liability.

(4) An ignition interlock device provider shall include in any lease agreement for an ignition interlock device a warning that a person who knowingly tampers with, circumvents, or otherwise misuses the device is subject to criminal prosecution."

Insert: NEW SECTION. **Section 14. Driving under influence -- probationary driver's license.** (1) A probationary noncommercial driver's license may be issued to a person convicted of a first offense for misdemeanor driving under the influence unless the report of conviction includes a statement that the court does not recommend a probationary license.

(2) If recommending a probationary license for a person convicted of a second or subsequent offense for misdemeanor driving under the influence, the court shall for the duration of the suspension under 61-5-208:

(a) require the person to participate in the 24/7 sobriety and drug monitoring program provided for in 44-4-1203 and to pay the fees associated with the program;

(b) restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device during the probationary period and require the person to pay the reasonable cost of leasing, installing, and maintaining the device; or

(c) require the person to participate in a court-approved alcohol or drug detection testing program and to pay the fees associated with the testing program."

Insert: NEW SECTION. **Section 15. Unlawful possession of open alcoholic beverage container in motor vehicle on highway.** (1) Except as provided in subsection (2), a person commits the offense of unlawful possession of an open alcoholic beverage container in or on a motor vehicle if the person knowingly possesses an open alcoholic beverage container within the passenger area of a motor vehicle on a highway.

(2) This section does not apply to an open alcoholic beverage container:

(a) in a locked glove compartment or storage compartment;

(b) in a motor vehicle trunk or luggage compartment or rack, or in a truck bed or cargo compartment;

(c) behind the last upright seat of a motor vehicle that is not equipped with a trunk;

(d) in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger; or

(e) in the immediate possession of a passenger:

(i) of a bus, taxi, limousine, or prearranged ride that is used for the transportation of persons for compensation and that includes the provision of a hired driver; or

(ii) in the living quarters of a camper, travel trailer, or motor home.

(3) Subsections (2)(a), (2)(b), (2)(c), and (2)(d) apply only to transportation of open alcoholic beverage containers and do not allow for the consumption of alcoholic beverages in these areas in or on a vehicle.

(4) (a) A person convicted of the offense of unlawful possession of an open alcoholic

beverage container in a motor vehicle shall be fined an amount not to exceed $100.

(b) A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of this section against the insured or increase premiums because of the violation. The surcharges provided for in 3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section."

Insert: NEW SECTION. **Section 16. Suspension of imprisonment sentence for DUI court participation.** (1) If a person participates in a DUI court, the court may, at the court's discretion, suspend all or a portion of an imprisonment sentence under [section 3], except for the mandatory minimum imprisonment term.

(2) If a person participating in a DUI court fails to comply with the conditions imposed by the DUI court, the court shall revoke the suspended imprisonment sentence and any sentence subsequently imposed must commence from the effective date of the revocation. "

Insert: NEW SECTION. **Section 17. Mandatory suspension of license following certain implied consent action.** (1) The department shall suspend an individual's driver license if the department receives a report for an implied consent violation from law enforcement or another reporting jurisdiction that, pursuant to [section 8], an individual has refused a test or tests of the person's blood, breath, or other bodily substance for determining any measured amount or detected presence of alcohol or drugs in the person's body.

(2) (a) Except as permitted by law, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended may not have the license or privilege renewed or restored until the revocation or suspension duration has been completed.

(b) The department shall apply the appropriate sanction to the driver based on the reported conviction and prior offenses.

(c) The driver shall pay all reinstatement and administrative fees owed to the department before a driver's license or privilege to drive is restored.

(d) The duration of the suspension commences from the date of violation.

(e) If a person refuses tests for the same incident, the department may not consider each a separate refusal for purposes of suspension.

(f) The department may not issue a probationary license during the suspension issued under this part.

(3) (a) A person who has an implied consent violation shall pay the department an administrative fee of $300, which must be deposited in the state special revenue account established pursuant to subsection (3)(b).

(b) There is a blood-draw search warrant processing account in the state special revenue fund established pursuant to 17-2-102(1)(b). Money provided to the department of justice pursuant to this subsection (3) must be deposited in the account and may be used only for providing forensic analysis of a driver's blood to determine the presence of alcohol or drugs.

(4) (a) Upon receiving a report of an implied consent violation, the department shall:

(i) for a first violation, suspend the driver's license or driving privilege for 6 months; or

(ii) for a second violation, suspend the driver's license or driving privilege for 1 year.

(b) If a person who refuses to submit to one or more tests under this section is the holder of a commercial driver's license or was driving a commercial vehicle at the time of the refusal, in addition to any action taken against the driver's noncommercial driving privileges, the department shall apply a major offense to the driving record and take the appropriate

suspension as provided in 61-8-802.

(5) A nonresident driver's license seized under this section must be sent by the department to the licensing authority of the nonresident's home state with a report of the nonresident's refusal to submit to one or more tests.

(6) The department may recognize the seizure of a license of a tribal member by a peace officer acting under the authority of a tribal government or an order issued by a tribal court suspending, revoking, or reinstating a license or adjudicating a license seizure if the actions are conducted pursuant to tribal law or regulation requiring alcohol or drug testing of motor vehicle operators and the conduct giving rise to the actions occurred within the exterior boundaries of a federally recognized Indian reservation in this state. Action by the department under this subsection is not reviewable under [section 9]."

Insert: Section 18. Section 23-2-535, MCA, is amended to read:

"23-2-535. Alcohol concentration standards -- evidence admissible -- administration of tests. (1) The inferences contained in ~~61-8-401(4)~~ [section 2(3)] apply to any criminal action or proceeding arising out of acts alleged to have been committed in violation of 23-2-523(2).

(2) Evidence of any measured amount or detected presence of alcohol in a person at the time of the act alleged, as shown by analysis of the person's blood, breath, or urine, and any other competent evidence bearing on the question of whether the person was under the influence of alcohol, drugs, or a combination of the two at the time of the act alleged is admissible in any criminal action or proceeding arising out of acts alleged to have been committed in violation of 23-2-523(2).

(3) If a person charged with violation of 23-2-523(2) refuses to submit to a test of the person's blood, breath, or urine for the purpose of determining any measured amount or detected presence of alcohol, none will be given, but proof of refusal is admissible in any criminal action or proceeding arising out of acts alleged to have been committed in violation of 23-2-523(2).

(4) The provisions relating to administration of tests provided in ~~61-8-405~~ [section 11] and the definition of alcohol concentration provided in ~~61-8-407~~ [section 1] apply to any testing done to a person charged with violation of 23-2-523(2).

(5) As used in 23-2-523(2), the term "under the influence" has the meaning provided in ~~61-8-401(3)~~ [section 1]."

Insert: Section 19. Section 44-4-1202, MCA, is amended to read:

"44-4-1202. Purpose -- definitions. (1) The legislature declares that driving in Montana upon a way of this state open to the public is a privilege, not a right. A driver who wishes to enjoy the benefits of this privilege shall accept the corresponding responsibilities.

(2) The legislature further declares that the purpose of this part is:

(a) to protect the public health and welfare by reducing the number of people on Montana's highways who drive under the influence of alcohol or dangerous drugs;

(b) to protect the public health and welfare by reducing the number of repeat offenders for crimes in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime;

(c) to strengthen the pretrial and posttrial options available to prosecutors and judges in responding to repeat DUI offenders or other repeat offenders who commit crimes in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime;

and

(d) to ensure timely and sober participation in judicial proceedings.

(3) As used in this part, the following definitions apply:

(a) "Core components" means those elements of a sobriety program that analysis demonstrates are most likely to account for positive program outcomes.

(b) "Dangerous drug" has the meaning provided in 50-32-101.

(c) "Department" means the department of justice provided for in 2-15-2001.

(d) "Immediate sanction" means a sanction that is applied within minutes of a noncompliant test event.

(e) "Law enforcement agency" means the county sheriff's office or another law enforcement agency designated by the county sheriff's office that is charged with enforcing the sobriety program.

(f) "Sobriety program" or "program" means the 24/7 sobriety and drug monitoring program established in 44-4-1203, which authorizes a court or an agency as defined in 2-15-102, as a condition of bond, sentence, probation, parole, or work permit, to:

(i) require an individual who has been charged with or convicted of a crime in which the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime, including but not limited to a second or subsequent offense of driving under the influence of alcohol or dangerous drugs, to abstain from alcohol or dangerous drugs for a period of time; and

(ii) require the individual to be subject to testing to determine the presence of alcohol or dangerous drugs~~:~~.

~~(A) twice a day at a central location where immediate sanctions may be applied;~~

~~(B) when testing twice a day is impractical, by continuous, remote sensing, or transdermal alcohol monitoring by means of an electronic monitoring device that allows timely sanctions to be applied; or~~

~~(C) with the concurrence of the department, by an alternate method that is consistent with 44-4-1203.~~

(g) "Testing" means a procedure for determining the presence and level of alcohol or a dangerous drug in an individual's breath or body fluid, including blood, urine, saliva, or perspiration, and includes any combination of the use of in-person or remote breath testing, drug patch testing, urinalysis testing, saliva testing, or continuous remote ~~sensing, or~~ transdermal alcohol monitoring. With the concurrence of the department and consistent with 44-4-1203, alternate body fluids may be approved for testing.

(h) "Timely sanction" means a sanction that is applied as soon as practical following a noncompliant test event.""

Insert: Section 20. Section 44-4-1203, MCA, is amended to read:

"44-4-1203. Sobriety and drug monitoring program created. (1) There is a statewide 24/7 sobriety and drug monitoring program within the department to be administered by the attorney general.

(2) (a) The core components of the sobriety program must include use of a primary testing methodology for the presence of alcohol or dangerous drugs that:

(i) best facilitates the ability to apply immediate sanctions for noncompliance; and

(ii) is available at an affordable cost.

(b) Primary testing methods for alcohol include twice-a-day, in-person breath testing at

a central location and other methodologies approved by the department. Primary testing methodologies must utilize devices that are capable of determining alcohol concentrations below an equivalent breath alcohol concentration of 0.010 grams per 210 liters of breath. If the primary testing methodology is a breath alcohol analysis, the device utilized must be listed on the most recent conforming products list for evidential breath alcohol measurement devices as published by the national highway traffic safety administration.

~~(b)~~(c) In cases of hardship or when a sobriety program participant is subject to less-stringent testing requirements, testing methodologies with timely sanctions for noncompliance may be utilized. Hardship testing methodologies include the use of transdermal alcohol monitoring devices, remote breath test devices, and other methods approved by the department. A hardship testing methodology may be used if the court or agency determines that hardship factors, including but not limited to distance from or lack of access to a primary testing method site, prevent the reasonable use of a primary testing method.

(3) The sobriety program must be supported by evidence of effectiveness and satisfy at least two of the following categories:

(a) the program is included in the federal registry of evidence-based programs and practices;

(b) the program has been reported in a peer-reviewed journal as having positive effects on the primary targeted outcome; or

(c) the program has been documented as effective by informed experts and other sources.

(4) If a law enforcement agency chooses to participate in the sobriety program, the department shall assist in the creation and administration of the program in the manner provided in this part. The department shall also assist entities participating in the program in determining alternatives to incarceration.

(5) (a) If a law enforcement agency participates in the program, the law enforcement agency may designate an entity to provide the testing services or to take any other action required or authorized to be provided by the law enforcement agency pursuant to this part, except that the law enforcement agency's designee may not determine whether to participate in the sobriety program.

(b) The law enforcement agency shall establish the testing locations and times for the county but must have at least one testing location and two daily testing times approximately 12 hours apart.

~~(6) Any efforts by the department to alter or modify the core components of the statewide sobriety program must include a documented strategy for achieving and measuring the effectiveness of the proposed modifications. Before core components may be modified, a pilot program with defined objectives and timelines must be initiated in which measurements of the effectiveness and impact of any proposed modifications to the core components are monitored. The data collected from the pilot program must be assessed by the department, and a determination must be made as to whether the stated goals were achieved and whether the modifications should be formally implemented in the sobriety program.~~

~~(7)~~(6) All alcohol or drug testing ordered by a court must utilize the data management technology plan provided for in 44-4-1204(4). All alcohol or drug testing ordered by a court must utilize the data management technology system in accordance with the data management technology plan provided for in 44-4-1204(4). The data is owned by the state and maintained by the department. Approved testing methodologies, whether designated as primary or hardship,

must be capable of electronically transferring data directly into the data management technology system through a department-approved interface.

~~(8)~~(7) ~~Alcohol~~ In order to provide a more complete record of drug and alcohol testing results, any alcohol or drug testing required by ~~the department of corrections pursuant to this part~~ other state or local agencies ~~must~~ may utilize the data management technology ~~plan provided for in 44-4-1204(4)~~ system.""

Insert: Section 21. Section 44-4-1205, MCA, is amended to read:

"44-4-1205. Authority of court to order participation in sobriety and drug monitoring program -- probationary license -- imposition of conditions. (1) (a) Any court or agency utilizing the sobriety program may stay any sanctions that it imposed against an offender while the offender is in compliance with the sobriety program.

(b) If an individual convicted of the offense of aggravated driving under the influence ~~in violation of 61-8-465~~ as defined in [section 1], a second or subsequent offense of driving under the influence in violation of ~~61-8-401~~ [section 2], or a second or subsequent offense of driving with excessive alcohol concentration in violation of ~~61-8-406~~ [section 2(1)(b), (1)(c), or (1)(d)] has been required to participate in the sobriety program, the court may, upon the individual's ~~successful completion of a court-approved chemical dependency treatment program and~~ obtaining proof of insurance pursuant to 61-6-301, notify the department that as a participant in the sobriety program, the individual is eligible for a restricted probationary driver's license pursuant to 61-2-302, notwithstanding the requirements of 61-5-208 that an individual is required to complete a certain portion of a suspension period before a probationary license may be issued.

(c) If the individual fails to comply with the requirements of the sobriety program, the court may notify the department of the individual's noncompliance and direct the department to withdraw the individual's probationary driver's license and reinstate the remainder of the suspension period provided in 61-5-208.

(2) Upon an offender's participation in the sobriety program and payment of the fees required by 44-4-1204:

(a) the court may condition any bond or pretrial release for an individual charged with ~~a violation of 61-8-465~~ aggravated driving under the influence as defined in [section 1], a second or subsequent violation of ~~61-8-401 or 61-8-406~~ [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)] or aggravated driving under the influence as defined in [section 1], or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime;

(b) the court may condition the granting of a suspended execution of sentence or probation for an individual convicted of ~~a violation of 61-8-465~~ aggravated driving under the influence as defined in [section 1], a second or subsequent violation of ~~61-8-401 or 61-8-406~~ [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)] or aggravated driving under the influence as defined in [section 1], or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime;

(c) the board of pardons and parole may condition parole for ~~a violation of 61-8-465~~ aggravated driving under the influence as defined in [section 1], a second or subsequent violation of ~~61-8-401 or 61-8-406~~ [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)] or aggravated driving under the influence as defined in [section 1], or a second or subsequent violation of any

other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime; or

(d) the department of corrections may establish conditions for conditional release for ~~a violation of 61-8-465~~ aggravated driving under the influence as defined in [section 1], a second or subsequent violation of ~~61-8-401 or 61-8-406~~ [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)] or aggravated driving under the influence as defined in [section 1], or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime.

(3) An entity referred to in subsections (2)(a) through (2)(d) may condition any bond or pretrial release, suspended execution of sentence, probation, parole, or conditional release as provided in those subsections for an individual charged with or convicted of a violation of any statute involving domestic abuse or the abuse or neglect of a minor if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime regardless of whether the charge or conviction was for a first, second, or subsequent violation of the statute.

(4) A person is eligible to participate in and a court may compel a person to participate in a sobriety program if the person:

(a) is charged with ~~violating 61-8-465~~ aggravated driving under the influence as defined in [section 1]; or

(b) (i) is charged with or has been convicted of violating ~~61-8-401 or 61-8-406~~ [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)] or aggravated driving under the influence as defined in [section 1]; and

(ii) at any time in the 10 years preceding the date of the current charge or conviction:

(A) has been convicted in this state of a violation of ~~61-8-401, 61-8-406, or 61-8-465~~ [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)] or aggravated driving under the influence as defined in [section 1];

(B) has been convicted of a violation of a statute or regulation in another state or on a federally recognized Indian reservation that is similar to ~~61-8-401, 61-8-406, or 61-8-465~~ [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)] or aggravated driving under the influence as defined in [section 1]; or

(C) has forfeited bail or collateral deposited to secure the defendant's appearance in court in this state, in another state, or on a federally recognized Indian reservation for a charge of violating ~~61-8-401, 61-8-406, 61-8-465~~ [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)] or aggravated driving under the influence as defined in [section 1], or a similar statute or regulation and the forfeiture has not been vacated.

(5) As used in this section, "conviction" has the meaning provided in 45-2-101.""

Insert: Section 22. Section 45-5-106, MCA, is amended to read:

"45-5-106. Vehicular homicide while under influence. (1) A person commits the offense of vehicular homicide while under the influence if the person negligently causes the death of another human being while the person is operating a vehicle in violation of ~~61-8-401, 61-8-406, or 61-8-411~~ [section 2(1)].

(2) Vehicular homicide while under the influence is not an included offense of deliberate homicide as described in 45-5-102(1)(b).

(3) A person convicted of vehicular homicide while under the influence shall be imprisoned in a state prison for a term not to exceed 30 years or be fined an amount not to exceed $50,000, or both. Imposition of a sentence may not be deferred.""

Insert: Section 23. Section 45-5-205, MCA, is amended to read:

"45-5-205. Negligent vehicular assault -- penalty. (1) A person who negligently operates a vehicle, other than a bicycle as defined in 61-8-102, while under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided for in ~~61-8-401(1)~~ [section 2], and who causes bodily injury to another commits the offense of negligent vehicular assault.

(2) Subject to subsection (3), a person convicted of the offense of negligent vehicular assault shall be fined an amount not to exceed $1,000 or incarcerated in a county jail for a term not to exceed 1 year, or both, and shall be ordered to pay restitution as provided in 46-18-241.

(3) A person convicted of the offense of negligent vehicular assault who caused serious bodily injury to another shall be fined an amount not to exceed $10,000 or incarcerated for a term not to exceed 10 years, or both, and shall be ordered to pay restitution as provided in 46-18-241.

(4) If a term of incarceration is imposed under subsection (2) or (3), the judge may suspend the term of incarceration upon the condition of payment of any fine imposed and of restitution. If the person does not pay the fine or restitution, the term of incarceration may be imposed.""

Insert: Section 24. Section 45-5-207, MCA, is amended to read:

"45-5-207. Criminal endangerment -- penalty. (1) A person who knowingly engages in conduct that creates a substantial risk of death or serious bodily injury to another commits the offense of criminal endangerment. This conduct includes but is not limited to knowingly placing in a tree, log, or any other wood any steel, iron, ceramic, or other substance for the purpose of damaging a saw or other wood harvesting, processing, or manufacturing equipment.

(2) A high blood alcohol concentration~~, as provided in 61-8-407,~~ alone is not sufficient to support a criminal endangerment charge.

(3) A person convicted of the offense of criminal endangerment shall be fined an amount not to exceed $50,000 or imprisoned in the state prison for a term not to exceed 10 years, or both.

(4) As used in this section, "alcohol concentration" has the meaning provided in [section 1]."

Insert: Section 25. Section 45-5-628, MCA, is amended to read:

"45-5-628. Criminal child endangerment. (1) A person commits the offense of criminal child endangerment if the person purposely, knowingly, or negligently causes substantial risk of death or serious bodily injury to a child under 14 years of age by:

(a) failing to seek reasonable medical care for a child suffering from an apparent acute life-threatening condition;

(b) placing a child in the physical custody of another who the person knows has previously purposely or knowingly caused bodily injury to a child;

(c) placing a child in the physical custody of another who the person knows has previously committed an offense against the child under 45-5-502 or 45-5-503;

(d) manufacturing or distributing dangerous drugs in a place where a child is present;

(e) operating a motor vehicle under the influence of alcohol or dangerous drugs in violation of ~~61-8-401, 61-8-406, 61-8-410, or 61-8-465~~ [section 2] or committing aggravated driving under the influence as defined in [section 1] with a child in the vehicle; or

(f) failing to attempt to provide proper nutrition for a child, resulting in a medical

diagnosis of nonorganic failure to thrive.

(2) A person may not be charged under subsection (1)(b) or (1)(c) if the person placed the child in the other person's custody pursuant to a court order.

(3) A person convicted of the offense of criminal child endangerment shall be fined an amount not to exceed $50,000 or be imprisoned in the state prison for a term not to exceed 10 years, or both.

(4) For purposes of this section, "nonorganic failure to thrive" means inadequate physical growth that is a result of insufficient nutrition and is not secondary to a diagnosed medical condition.""

Insert: Section 26. Section 46-16-130, MCA, is amended to read:

"46-16-130. Pretrial diversion. (1) (a) Prior to the filing of a charge, the prosecutor and a defendant who has counsel or who has voluntarily waived counsel may agree to the deferral of a prosecution for a specified period of time based on one or more of the following conditions:

(i) that the defendant may not commit any offense;

(ii) that the defendant may not engage in specified activities, conduct, and associations bearing a relationship to the conduct upon which the charge against the defendant is based;

(iii) that the defendant shall participate in a supervised rehabilitation program, which may include treatment, counseling, training, or education;

(iv) that the defendant shall make restitution in a specified manner for harm or loss caused by the offense; or

(v) any other reasonable conditions.

(b) The agreement must be in writing, must be signed by the parties, and must state that the defendant waives the right to speedy trial for the period of deferral. The agreement may include stipulations concerning the admissibility of evidence, specified testimony, or dispositions if the deferral of the prosecution is terminated and there is a trial on the charge.

(c) The prosecution must be deferred for the period specified in the agreement unless there has been a violation of its terms.

(d) The agreement must be terminated and the prosecution automatically dismissed with prejudice upon expiration and compliance with the terms of the agreement.

(2) A condition of pretrial diversion may be for the court to refer a defendant for evaluation to determine the appropriateness of proceedings pursuant to Title 53, chapter 21.

(3) Except as provided in 46-1-1104 and 46-1-1204, after a charge has been filed, a deferral of prosecution may be entered into only after the prosecutor provides notice to the court.

(4) A prosecution for a violation of ~~61-8-401, 61-8-406, 61-8-410, 61-8-411, or 61-8-465~~ [section 2 or aggravated driving under the influence as defined in [section 1] may not be deferred.""

Insert: Section 27. Section 46-18-201, MCA, is amended to read:

"46-18-201. Sentences that may be imposed. (1) (a) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may defer imposition of sentence, except as otherwise specifically provided by statute, for a period:

(i) not exceeding 1 year for a misdemeanor or for a period not exceeding 3 years for a felony; or

(ii) not exceeding 2 years for a misdemeanor or for a period not exceeding 6 years for a

felony if a financial obligation is imposed as a condition of sentence for either the misdemeanor or the felony, regardless of whether any other conditions are imposed.

(b) Except as provided in 46-18-222, imposition of sentence in a felony case may not be deferred in the case of an offender who has been convicted of a felony on a prior occasion, whether or not the sentence was imposed, imposition of the sentence was deferred, or execution of the sentence was suspended.

(2) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may suspend execution of sentence, except as otherwise specifically provided by statute, for a period up to the maximum sentence allowed or for a period of 6 months, whichever is greater, for each particular offense.

(3) (a) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may impose a sentence that may include:

(i) a fine as provided by law for the offense;

(ii) payment of costs, as provided in 46-18-232, or payment of costs of assigned counsel as provided in 46-8-113;

(iii) a term of incarceration, as provided in Title 45 for the offense, at a county detention center or at a state prison to be designated by the department of corrections;

(iv) commitment of:

(A) an offender not referred to in subsection (3)(a)(iv)(B) to the department of corrections with a recommendation for placement in an appropriate correctional facility or program; however, all but the first 5 years of the commitment to the department of corrections must be suspended, except as provided in 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), and 45-5-625(4); or

(B) a youth transferred to district court under 41-5-206 and found guilty in the district court of an offense enumerated in 41-5-206 to the department of corrections for a period determined by the court for placement in an appropriate correctional facility or program;

(v) chemical treatment of sexual offenders, as provided in 45-5-512, if applicable, that is paid for by and for a period of time determined by the department of corrections, but not exceeding the period of state supervision of the person;

(vi) commitment of an offender to the department of corrections with the requirement that immediately subsequent to sentencing or disposition the offender is released to community supervision and that any subsequent violation must be addressed as provided in 46-23-1011 through 46-23-1015; or

(vii) any combination of subsections (2) and (3)(a)(i) through (3)(a)(vii).

(b) A court may permit a part or all of a fine to be satisfied by a donation of food to a food bank program.

(4) When deferring imposition of sentence or suspending all or a portion of execution of sentence, the sentencing judge may impose on the offender any reasonable restrictions or conditions during the period of the deferred imposition or suspension of sentence. Reasonable restrictions or conditions imposed under subsection (1)(a) or (2) may include but are not limited to:

(a) limited release during employment hours as provided in 46-18-701;

(b) incarceration in a detention center not exceeding 180 days;

(c) conditions for probation;

(d) payment of the costs of confinement;

(e) payment of a fine as provided in 46-18-231;

(f) payment of costs as provided in 46-18-232 and 46-18-233;

(g) payment of costs of assigned counsel as provided in 46-8-113;

(h) with the approval of the facility or program, an order that the offender be placed in a community corrections facility or program as provided in 53-30-321;

(i) with the approval of the prerelease center or prerelease program and confirmation by the department of corrections that space is available and that the offender is a suitable candidate, an order that the offender be placed in a chemical dependency treatment program, prerelease center, or prerelease program for a period not to exceed 1 year;

(j) community service;

(k) home arrest as provided in Title 46, chapter 18, part 10;

(l) payment of expenses for use of a judge pro tempore or special master as provided in 3-5-116;

(m) participation in a day reporting program provided for in 53-1-203;

(n) participation in the 24/7 sobriety and drug monitoring program provided for in Title 44, chapter 4, part 12, for a violation of ~~61-8-465~~ aggravated driving under the influence as defined in [section 1], a ~~second or subsequent~~ violation of ~~61-8-401, 61-8-406, or 61-8-411~~ [section 2], or a second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime or for a violation of any statute involving domestic abuse or the abuse or neglect of a minor if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime regardless of whether the charge or conviction was for a first, second, or subsequent violation of the statute;

(o) participation in a restorative justice program approved by court order and payment of a participation fee of up to $150 for program expenses if the program agrees to accept the offender;

(p) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the protection of the victim or society;

(q) with approval of the program and confirmation by the department of corrections that space is available, an order that the offender be placed in a residential treatment program; or

(r) any combination of the restrictions or conditions listed in this subsection (4).

(5) In addition to any other penalties imposed, if a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or nolo contendere and the sentencing judge finds that a victim, as defined in 46-18-243, has sustained a pecuniary loss, the sentencing judge shall, as part of the sentence, require payment of full restitution to the victim, as provided in 46-18-241 through 46-18-249, whether or not any part of the sentence is deferred or suspended.

(6) In addition to any of the penalties, restrictions, or conditions imposed pursuant to subsections (1) through (5), the sentencing judge may include the suspension of the license or driving privilege of the person to be imposed upon the failure to comply with any penalty, restriction, or condition of the sentence. A suspension of the license or driving privilege of the person must be accomplished as provided in 61-5-214 through 61-5-217.

(7) In imposing a sentence on an offender convicted of a sexual or violent offense, as defined in 46-23-502, the sentencing judge may not waive the registration requirement provided in Title 46, chapter 23, part 5.

(8) If a felony sentence includes probation, the department of corrections shall

supervise the offender unless the court specifies otherwise.

(9) When imposing a sentence under this section that includes incarceration in a detention facility or the state prison, as defined in 53-30-101, the court shall provide credit for time served by the offender before trial or sentencing.

(10) As used in this section, "dangerous drug" has the meaning provided in 50-32-101.""

Insert: Section 28. Section 46-18-236, MCA, is amended to read:

"46-18-236. (Temporary) Imposition of charge upon conviction or forfeiture -- administration. (1) Except as provided in subsection (2), there must be imposed by all courts of original jurisdiction on a person upon conviction for any conduct made criminal by state statute or upon forfeiture of bond or bail a charge that is in addition to other taxable court costs, fees, or fines, as follows:

(a) $15 for each misdemeanor charge;

(b) the greater of $20 or 10% of the fine levied for each felony charge; and

(c) an additional $50 for each misdemeanor and felony charge under Title 45~~, 61-8-401, 61-8-406, or 61-8-411~~ or [section 2].

(2) If a convicting court determines under 46-18-231 and 46-18-232 that the person is not able to pay the fine and costs or that the person is unable to pay within a reasonable time, the court shall waive payment of the charge imposed by this section.

(3) The charges imposed by this section are not fines and must be imposed in addition to any fine and may not be used in determining the jurisdiction of any court.

(4) When the payment of a fine is to be made in installments over a period of time, the charges imposed by this section must be collected from the first payment made and each subsequent payment as necessary if the first payment is not sufficient to cover the charges.

(5) The charges collected under subsection (1), except those collected under subsections (1)(a) and (1)(b) by a justice's court, must be deposited with the appropriate local government finance officer or treasurer. If a city municipal court or city or town court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the city or town finance officer or treasurer. If a district court or justice's court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the county finance officer or treasurer. If the court of original jurisdiction is a court within a consolidated city-county government within the meaning of Title 7, chapter 3, the charges collected under subsection (1) must be deposited with the finance officer or treasurer of the consolidated government.

(6) (a) A city or town finance officer or treasurer may retain the charges collected under subsections (1)(a) and (1)(b) by a city municipal court or a city or town court and may use that money for the payment of salaries of the city or town attorney and deputies.

(b) Each county finance officer or treasurer may retain the charges collected under subsections (1)(a) and (1)(b) by district courts for crimes committed or alleged to have been committed within that county. The county finance officer or treasurer shall use the money for the payment of salaries of its deputy county attorneys and for the payment of other salaries in the office of the county attorney, and any funds not needed for those salaries may be used for the payment of any other county salaries.

(7) (a) Except as provided in subsection (7)(b), each county, city, or town finance officer or treasurer may retain the charges collected under subsection (1)(c) for payment of the expenses of a victim and witness advocate program, including a program operated by a private,

nonprofit organization, that provides the services specified in Title 40, chapter 15, and Title 46, chapter 24, and that is operated or used by the county, city, or town.

(b) The appropriate county, city, or town finance officer or treasurer shall deposit $1 of each charge collected under subsection (1)(c) in the collecting court's fund for mitigation of administrative costs incurred by the court in the collection of the charge. The funds deposited under this subsection (7)(b) are not subject to allocation under 46-18-251.

(c) Except as provided in subsection (7)(b), if the county, city, or town does not operate or use a victim and witness advocate program, all charges collected under subsection (1)(c) must be paid to the crime victims compensation and assistance program in the department of justice for deposit in the account provided for in 53-9-113. (Terminates June 30, 2021--sec. 27, Ch. 285, L. 2015; sec. 1, Ch. 292, L. 2015.)

46-18-236. (Effective July 1, 2021) Imposition of charge upon conviction or forfeiture -- administration. (1) Except as provided in subsection (2), there must be imposed by all courts of original jurisdiction on a person upon conviction for any conduct made criminal by state statute or upon forfeiture of bond or bail a charge that is in addition to other taxable court costs, fees, or fines, as follows:

(a) $15 for each misdemeanor charge;

(b) the greater of $20 or 10% of the fine levied for each felony charge; and

(c) an additional $50 for each misdemeanor and felony charge under Title 45~~, 61-8-401, 61-8-406, or 61-8-411~~ or [section 2].

(2) If a convicting court determines under 46-18-231 and 46-18-232 that the person is not able to pay the fine and costs or that the person is unable to pay within a reasonable time, the court shall waive payment of the charge imposed by this section.

(3) The charges imposed by this section are not fines and must be imposed in addition to any fine and may not be used in determining the jurisdiction of any court.

(4) When the payment of a fine is to be made in installments over a period of time, the charges imposed by this section must be collected from the first payment made and each subsequent payment as necessary if the first payment is not sufficient to cover the charges.

(5) The charges collected under subsection (1), except those collected under subsections (1)(a) and (1)(b) by a justice's court, must be deposited with the appropriate local government finance officer or treasurer. If a city municipal court or city or town court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the city or town finance officer or treasurer. If a district court or justice's court is the court of original jurisdiction, the charges collected under subsection (1) must be deposited with the county finance officer or treasurer. If the court of original jurisdiction is a court within a consolidated city-county government within the meaning of Title 7, chapter 3, the charges collected under subsection (1) must be deposited with the finance officer or treasurer of the consolidated government.

(6) (a) A city or town finance officer or treasurer may retain the charges collected under subsections (1)(a) and (1)(b) by a city municipal court or a city or town court and may use that money for the payment of salaries of the city or town attorney and deputies.

(b) Each county finance officer or treasurer may retain the charges collected under subsections (1)(a) and (1)(b) by district courts for crimes committed or alleged to have been committed within that county. The county finance officer or treasurer shall use the money for the payment of salaries of its deputy county attorneys and for the payment of other salaries in

the office of the county attorney, and any funds not needed for those salaries may be used for the payment of any other county salaries.

(7) (a) Except as provided in subsection (7)(b), each county, city, or town finance officer or treasurer may retain the charges collected under subsection (1)(c) for payment of the expenses of a victim and witness advocate program, including a program operated by a private, nonprofit organization, that provides the services specified in Title 40, chapter 15, and Title 46, chapter 24, and that is operated or used by the county, city, or town.

(b) The appropriate county, city, or town finance officer or treasurer shall deposit $1 of each charge collected under subsection (1)(c) in the collecting court's fund for mitigation of administrative costs incurred by the court in the collection of the charge. The funds deposited under this subsection (7)(b) are not subject to allocation under 46-18-251.

(c) Except as provided in subsection (7)(b), if the county, city, or town does not operate or use a victim and witness advocate program, all charges collected under subsection (1)(c) must be paid to the crime victims compensation and assistance program in the department of justice for deposit in the state general fund to be used to provide services to crime victims as provided in Title 53, chapter 9, part 1.""

Insert: Section 29. Section 50-46-320, MCA, is amended to read:

"50-46-320. Limitations of act. (1) This part does not permit:

(a) any individual, including a registered cardholder, to operate, navigate, or be in actual physical control of a motor vehicle, aircraft, or motorboat while under the influence of marijuana; or

(b) except as provided in subsection (3), the use of marijuana by a registered cardholder:

(i) in a health care facility as defined in 50-5-101;

(ii) in a school or a postsecondary school as defined in 20-5-402;

(iii) on or in any property owned by a school district or a postsecondary school;

(iv) on or in any property leased by a school district or a postsecondary school when the property is being used for school-related purposes;

(v) in a school bus or other form of public transportation;

(vi) when ordered by any court of competent jurisdiction into a correctional facility or program;

(vii) if a court has imposed restrictions on the cardholder's use pursuant to 46-18-202;

(viii) at a public park, public beach, public recreation center, or youth center;

(ix) in or on the property of any church, synagogue, or other place of worship;

(x) in plain view of or in a place open to the general public; or

(xi) where exposure to the marijuana smoke significantly adversely affects the health, safety, or welfare of children.

(2) A registered cardholder, provider, or marijuana-infused products provider may not cultivate marijuana or manufacture marijuana concentrates or marijuana-infused products for use by a registered cardholder in a manner that is visible from the street or other public area.

(3) A hospice or residential care facility licensed under Title 50, chapter 5, may adopt a policy that allows use of marijuana by a registered cardholder.

(4) Nothing in this part may be construed to require:

(a) a government medical assistance program, a group benefit plan that is covered by the provisions of Title 2, chapter 18, an insurer covered by the provisions of Title 33, or an

insurer as defined in 39-71-116 to reimburse an individual for costs associated with the use of marijuana by a registered cardholder;

(b) an employer to accommodate the use of marijuana by a registered cardholder;

(c) a school or postsecondary school to allow a registered cardholder to participate in extracurricular activities; or

(d) a landlord to allow a tenant who is a registered cardholder, provider, marijuana-infused products provider, dispensary, or testing laboratory to cultivate, manufacture, dispense, sell, or test marijuana, marijuana concentrates, or marijuana-infused products or to allow a registered cardholder to use marijuana.

(5) Nothing in this part may be construed to:

(a) prohibit an employer from including in any contract a provision prohibiting the use of marijuana for a debilitating medical condition; or

(b) permit a cause of action against an employer for wrongful discharge pursuant to 39-2-904 or discrimination pursuant to 49-1-102.

(6) Nothing in this part may be construed to allow a provider, marijuana-infused products provider, or employee of a licensee to use marijuana or to prevent criminal prosecution of a provider, marijuana-infused products provider, or employee of a licensee who uses marijuana or paraphernalia for personal use.

(7) (a) A law enforcement officer who has reasonable cause to believe that an individual with a valid registry identification card is driving under the influence of marijuana may apply for a search warrant to require the individual to provide a sample of the individual's blood for testing pursuant to the provisions of ~~61-8-405~~ [section 11]. An individual with a delta-9-tetrahydrocannabinol level of 5 ng/ml or more may be charged with a violation of ~~61-8-401 or 61-8-411~~ [section 2(1)(a) or (1)(e)].

(b) A registered cardholder, provider, or marijuana-infused products provider who violates subsection (1)(a) is subject to revocation of the individual's registry identification card or license if the individual is convicted of or pleads guilty to any offense related to driving under the influence of alcohol or drugs when the initial offense with which the individual was charged was a violation of ~~61-8-401, 61-8-406, 61-8-410, or 61-8-411~~ [section 2]. A revocation under this section must be for the period of suspension or revocation set forth:

(i) in 61-5-208 for a violation of ~~61-8-401, 61-8-406, or 61-8-411~~ [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)]; or

(ii) in ~~61-8-410~~ [section 3(3)] for a violation of ~~61-8-410~~ [section 2(1)(f)].

(c) If an individual's registry identification card or license is subject to renewal during the revocation period, the individual may not renew the card until the full revocation period has elapsed. The card or license may be renewed only if the individual submits all materials required for renewal.

(8) A provider or marijuana-infused products provider who violates 15-64-103 or 15-64-104 is subject to revocation of the person's license from the date of the violation until a period of up to 1 year after the department of revenue certifies compliance with 15-64-103 or 15-64-104.""

Insert: Section 30. Section 53-9-103, MCA, is amended to read:

"53-9-103. Definitions. As used in this part, the following definitions apply:

(1) "Claimant" means any of the following claiming compensation under this part:

(a) a victim;

(b) a dependent of a deceased victim; or

(c) an authorized person acting on behalf of any of them.

(2) "Collateral source" means a source of benefits, other than welfare benefits, or advantages for economic loss otherwise compensable under this part that the claimant has received or that is readily available to the claimant from:

(a) the offender;

(b) the government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this part;

(c) social security, medicare, and medicaid;

(d) workers' compensation;

(e) wage continuation programs of any employer;

(f) proceeds of a contract of insurance payable to the claimant for loss that was sustained because of the criminally injurious conduct;

(g) a contract, including an insurance contract, providing hospital and other health care services or benefits for disability. A contract in this state may not provide that benefits under this part are a substitute for benefits under the contract or that the contract is a secondary source of benefits and benefits under this part are a primary source.

(h) a crime victims compensation program operated by the state in which the victim was injured or killed that compensates residents of this state injured or killed in that state; or

(i) any other third party.

(3) "Criminally injurious conduct" means conduct that:

(a) occurs or is attempted in this state or an act of international terrorism, as defined in 18 U.S.C. 2331, committed outside of the United States against a resident of this state;

(b) results in bodily injury or death or involves domestic violence in a home where minor children were present; and

(c) is punishable by fine, imprisonment, or death or would be so punishable except that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; however, criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle unless the bodily injury or death occurred during the commission of an offense defined in Title 45 that requires the mental state of purposely as an element of the offense or the injury or death was inflicted by the driver of a motor vehicle who is found by the office, by a preponderance of the evidence, to have been operating the motor vehicle while under the influence, as that term is defined in ~~61-8-401~~ [section 1]; or

(d) is committed in a state without a crime victims compensation program that covers a resident of this state if the conduct meets the requirements in subsections (3)(b) and (3)(c).

(4) "Dependent" means a natural person who is recognized under the law of this state to be wholly or partially dependent upon the victim for care or support and includes a child of the victim conceived before the victim's death but born after the victim's death, including a child that is conceived as a result of the criminally injurious conduct.

(5) "Office" means the office of victims services established in 2-15-2016.

(6) "Victim" means:

(a) a person who suffers bodily injury or death as a result of:

(i) criminally injurious conduct;

(ii) the person's good faith effort to prevent criminally injurious conduct; or

(iii) the person's good faith effort to apprehend a person reasonably suspected of engaging in criminally injurious conduct; or

(b) a minor child present in a home where domestic violence occurred.""

Insert: Section 31. Section 61-1-101, MCA, is amended to read:

"61-1-101. Definitions. As used in this title, unless the context indicates otherwise, the following definitions apply:

(1) (a) "Authorized agent" means a person who has executed a written agreement with the department and is specifically authorized by the department to electronically access and update the department's motor vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or purposes on behalf of a third party.

(b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited partnership, limited liability company, association, joint venture, state agency, local government unit, another state government, the United States, a political subdivision of this or another state, or any other legal or commercial entity.

(2) "Authorized agent agreement" means the written agreement executed between an authorized agent and the department that sets the technical and operational program standards, compliance criteria, payment options, and service expectations by which the authorized agent is required to operate in performing specific motor vehicle or driver-related record functions.

(3) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(4) (a) "Business entity" means a corporation, association, partnership, limited liability partnership, limited liability company, or other legal entity recognized under state law.

(b) The term does not include an individual.

(5) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to a cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

(b) The term does not include a truck canopy cover or topper.

(6) "CDLIS driver record" means the electronic record of a person's commercial driver's license status and history stored as part of the commercial driver's license system established under 49 U.S.C. 31309.

(7) "Certificate of title" means the paper record issued by the department or by the appropriate agency of another jurisdiction that establishes a verifiable record of ownership between an identified person or persons and the motor vehicle specifically described in the record and that provides notice of a perfected security interest in the motor vehicle.

(8) "Commercial driver's license" means:

(a) a driver's license issued under or granted by the laws of this state that authorizes a person to operate a class of commercial motor vehicle; or

(b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid commercial driver's license.

(9) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(i) has a gross combination weight rating or a gross combination weight of 26,001

pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is greater;

(iii) is designed to transport at least 16 passengers, including the driver;

(iv) is a school bus; or

(v) is of any size and is used in the transportation of hazardous materials.

(b) The following vehicles are not commercial motor vehicles:

(i) an authorized emergency vehicle:

(A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

(B) operated when responding to or returning from an emergency call or operated in another official capacity;

(ii) a vehicle:

(A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;

(B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles of the farm, including any area within that perimeter that is in the adjoining state; and

(C) not used to transport goods for compensation or for hire; or

(iii) a vehicle operated for military purposes by active duty military personnel, a member of the military reserves, a member of the national guard on active duty, including personnel on full-time national guard duty, personnel in part-time national guard training, and national guard military technicians, or active duty United States coast guard personnel.

(c) For purposes of this subsection (9):

(i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or crops or the raising of livestock owned by or under the direct control of that person;

(ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination or articulated vehicle;

(iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle; and

(iv) "school bus" has the meaning provided in 49 CFR 383.5.

(10) "Commission" means the state transportation commission.

(11) "Custom-built motorcycle" means a motorcycle that is equipped with:

(a) an engine that was manufactured 20 years prior to the current calendar year and that has been altered from the manufacturer's original design; or

(b) an engine that was manufactured to resemble an engine 20 or more years old and that has been constructed in whole or in part from nonoriginal materials.

(12) "Custom vehicle" means a motor vehicle other than a motorcycle that:

(a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or

(ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least 25 years old; and

(b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

(13) "Customer identification number" means:

(a) a driver's license or identification card number when the customer is an individual who has been issued a driver's license or identification card by a state driver licensing authority;

(b) a federal employer or tax identification number when the customer is a business entity that has been issued a federal employer or tax identification number;

(c) the identification number assigned by the secretary of state to a business entity authorized to do business in this state under Title 35 if the customer is a business entity that does not have a federal employer or tax identification number other than a social security number; or

(d) if the customer has not been issued one of the numbers described in subsections (13)(a) through (13)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

(14) (a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers, semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special mobile equipment that is not registered in the name of the person.

(b) The term does not include the following:

(i) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under a judgment or order of any court of competent jurisdiction;

(ii) employees of the persons included in subsection (14)(b)(i) when engaged in the specific performance of their duties as employees; or

(iii) public officers while performing or in the operation of their duties.

(15) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load to be carried on the vehicle as stated by the registrant in the application for registration.

(16) "Department" means the department of justice acting directly or through its duly authorized officers or agents.

(17) "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and trailer tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.

(18) "Domiciled" means a place where:

(a) an individual establishes residence;

(b) a business entity maintains its principal place of business;

(c) the business entity's registered agent maintains an address; or

(d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer, or pole trailer that it owns or leases.

(19) "Downgrade" means the removal of a person's privilege to operate a commercial motor vehicle, as maintained by the department on the individual Montana driving record and the CDLIS driver record for that person.

(20) "Driver" means a person who drives or is in actual physical control of a vehicle.

(21) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by the laws of this state, including:

(a) any temporary license or learner license;

(b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;

(c) any nonresident's driving privilege;

(d) a motorcycle endorsement; or

(e) a commercial driver's license.

(22) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is self-balancing, and is designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 12 1/2 miles an hour.

(23) "For hire" means an action performed for remuneration of any kind, whether paid or promised, either directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which a remuneration is obtained or derived for transportation service.

(24) (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a person or persons and golf equipment and that has an average speed of less than 15 miles per hour.

(b) Except as provided in 61-3-201, a golf cart is exempt from titling, registration, and mandatory liability insurance requirements under this title.

(25) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load on the vehicle.

(26) "Hazardous material" means:

(a) any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under 49 CFR, part 172; or

(b) any quantity of a material listed as a select agent or toxin in 42 CFR, part 73.

(27) "Highway" or "public highway" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

(28) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(29) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and exclusively used by the owner of the vehicle in the conduct of the owner's agricultural operations.

(30) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

(a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor vehicle; or

(b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and drivetrain, commonly referred to as a donor vehicle.

(31) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

(32) "Low-speed electric vehicle" means a motor vehicle, on or by which a person may be transported, that:

(a) has four wheels;

(b) has a maximum speed of at least 20 miles an hour and no greater than 40 miles an hour as certified by the manufacturer;

(c) is propelled by its own power, using an electric motor or other device that transforms stored electrical energy into the motion of the vehicle;

(d) stores electricity in batteries, ultracapacitors, or similar devices, which are charged

from the power grid or from renewable electrical energy sources;

(e) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

(f) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle identification number as provided in 49 CFR, part 565; and

(g) is equipped as provided in 61-9-432.

(33) "Low-speed restricted driver's license" means a license limited to the operation of a low-speed electric vehicle or a golf cart issued under or granted by the laws of this state, including:

(a) a temporary license or learner license;

(b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of 61-5-122, whether or not the person holds a valid driver's license; and

(c) a nonresident's similarly restricted driving privilege.

(34) "Manufactured home" has the meaning provided in 15-24-201.

(35) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers, semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular business.

(36) "Manufacturer's certificate of origin" means the original paper record produced and issued by the manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of ownership of the vehicle to the person or persons named in the certificate.

(37) (a) "Medium-speed electric vehicle" is a motor vehicle, on or by which a person may be transported, that:

(i) has a maximum speed of 45 miles an hour as certified by the manufacturer;

(ii) is propelled by its own power, using an electric motor or other device that transforms stored electrical energy into the motion of the vehicle;

(iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power grid or from renewable electrical energy sources;

(iv) is fully enclosed and includes at least one door for entry;

(v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

(vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle identification number as provided in 49 CFR, part 565;

(vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that indicates the vehicle's maximum speed rating; and

(viii) as certified by the manufacturer, is equipped as provided in 61-9-432.

(b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and registration under Title 61, chapter 3.

(c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000 pounds.

(38) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

(39) "Montana resident" means:

(a) an individual who resides in Montana as determined under 1-1-215; or

(b) for the purposes of chapter 3, a business entity that maintains a principal place of

business or a registered agent in this state.

(40) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

(b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard or any successor federal agency.

(41) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed by a court that are operating motor vehicles on a public highway in this state for the transportation of property for hire on a commercial basis.

(b) The term does not include motor carriers regulated under Title 69, chapter 12.

(42) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and that is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one or more attachments and a seat for the conveyance of a passenger.

(b) A motorcycle designed for use on highways is a motor vehicle unless otherwise prescribed.

(c) A motorcycle designed for off-road recreational use is an off-highway vehicle unless it has been modified to meet the equipment standards specified in chapter 9 and has been registered for highway use.

(d) The term does not include a tractor, a bicycle or a moped as defined in 61-8-102, a motorized nonstandard vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.

(43) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces 5 horsepower or less.

(b) The term does not include a bicycle or a moped, as defined in 61-8-102, or a motorized nonstandard vehicle.

(44) "Motor home" means a motor vehicle:

(a) designed to provide temporary living quarters, built as an integral part of or permanently attached to a self-propelled motor vehicle chassis or van;

(b) containing permanently installed independent life support systems that meet the ANSIA/A119.2 standard; and

(c) providing at least four of the following types of facilities:

(i) cooking, refrigeration, or icebox;

(ii) self-contained toilet;

(iii) heating or air conditioning, or both;

(iv) potable water supply, including a faucet and sink; or

(v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply, or both.

(45) (a) "Motorized nonstandard vehicle" means a vehicle, on or by which a person may be transported, that:

(i) is propelled by its own power, using an internal combustion engine or an electric motor;

(ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and

(iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567,

or have a 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

(b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known as a "pocket rocket".

(c) The term does not include a moped as defined in 61-8-102, an electric personal assistive mobility device, or a motorized wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

(46) (a) "Motor vehicle" means:

(i) a vehicle propelled by its own power and designed or used to transport persons or property on the highways of the state;

(ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9; or

(iii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is operated pursuant to 61-8-391 or by a person with a low-speed restricted driver's license.

(b) The term does not include a bicycle or a moped as defined in 61-8-102, an electric personal assistive mobility device, a motorized nonstandard vehicle, or a motorized wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.

(47) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal or equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person as the result of a retail sale.

(48) "Nonresident" means a person who is not a Montana resident.

(49) (a) "Not used for general transportation purposes" means the operation of a motor vehicle registered as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or motorcycle club activity or event or an exhibit, show, cruise night, or parade, or for other occasional transportation activity.

(b) The term does not include operation of a motor vehicle for routine or ordinary household maintenance, employment, education, or other similar purposes.

(50) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

(b) The term does not include:

(i) vehicles designed primarily for travel on, over, or in the water;

(ii) snowmobiles; or

(iii) motor vehicles designed to transport persons or property on the highways unless the vehicle is used for off-road recreation on public lands.

(51) "Operator" means a person who is in actual physical control of a motor vehicle.

(52) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the person in whom is vested the right of possession or control.

(53) "Person" means an individual, corporation, partnership, association, firm, or other

legal entity.

(54) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

(55) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable generally of sustaining themselves as beams between the supporting connections.

(56) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(57) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use, having a seat or saddle on which the operator sits.

(b) The term does not include golf carts.

(58) "Railroad" means a carrier of persons or property on cars, other than streetcars, operated on stationary rails.

(59) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars coupled to the engine, that is operated on rails.

(b) The term does not include streetcars.

(60) "Recreational vehicle" includes a motor home, travel trailer, or camper.

(61) "Registration" or "register" means the act or process of creating an electronic record, maintained by the department, of the assignment of a license plate or a set of license plates to and the issuance of a registration decal for a specific vehicle, the ownership of which has been established or is presumed in department records.

(62) "Registration decal" means an adhesive sticker produced by the department and issued by the department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the registration period indicated on the sticker as recorded by the department under 61-3-101.

(63) "Registration receipt" means a paper record that is produced and issued or, if authorized by the department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the vehicle for the registration period indicated in the receipt.

(64) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes other than resale.

(65) "Revocation" means the termination by action of the department of a person's driver's license, privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's license for a period of time designated by law, during which the license or privilege may not be renewed, restored, or exercised. An application for a new license may be presented and acted on by the department after the expiration of the period of the revocation.

(66) "Roadway" means that portion of a highway improved, designed, or ordinarily used

for vehicular travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways, the term refers to any roadway separately but not to all roadways collectively.

(67) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

(b) The term does not include a canoe or kayak propelled by wind.

(68) "School zone" means an area near a school beginning at the school's front door, encompassing the campus and school property, and including the streets directly adjacent to the school property and for as many blocks surrounding the school as determined by the local authority establishing a special speed limit under 61-8-310(1)(d).

(69) "Sell" means to transfer ownership from one person to another person or from a dealer to another person for consideration.

(70) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.

(71) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that is not otherwise registered or licensed under the laws of the state of Montana.

(72) "Special mobile equipment" means a vehicle not designed for the transportation of persons or property on the highways but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

(73) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

(i) was not originally constructed under a distinctive make, model, or type by a generally recognized manufacturer of motor vehicles;

(ii) has been structurally modified so that it does not have the same appearance as similar vehicles from a generally recognized manufacturer of motor vehicles;

(iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from other vehicles;

(iv) has been constructed or assembled by using major component parts from one or more manufactured vehicles and that cannot be identified as a specific make or model; or

(v) has been constructed by the use of a kit that cannot be visually identified as a specific make or model.

(b) The term does not include a motor vehicle that has been repaired or restored to its original design by replacing parts.

(74) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is constructed on a truck chassis or that has special features for occasional off-road use.

(b) The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.

(75) (a) "Stop", when required, means complete cessation from movement.

(b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing

of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, highway patrol officer, or traffic control sign or signal.

(76) "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when space at the dealer's established place of business is not available.

(77) "Street" means the entire width between the boundary lines of every publicly maintained way when any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

(78) "Street rod" means a motor vehicle, other than a motorcycle, that:

(a) was manufactured prior to 1949 or was built to resemble a vehicle manufactured before 1949, including a kit vehicle intended to resemble a vehicle manufactured before 1949; and

(b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

(79) "Suspension" means the temporary withdrawal by action of the department of a person's driver's license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's license for a period of time designated by law.

(80) "Temporary registration permit" means a paper record:

(a) issued by the department, an authorized agent, a county treasurer, or a person, using a department-approved electronic interface after an electronic record has been transmitted to the department, that contains:

(i) required vehicle and owner information; and

(ii) the purpose for which the record was generated; and

(b) that, when placed in a durable license-plate style plastic pouch approved by the department and displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for:

(i) 40 days from the date the record is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs; or

(ii) 90 days from the date the record is issued for a permit issued pursuant to 61-3-303(3)(b).

(81) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly or together while using any highways for purposes of travel.

(82) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests on the towing vehicle.

(b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101.

(83) "Transaction summary receipt" means an electronic record produced and issued by the department, its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be created by the department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record must contain a unique transaction record number and summarize and verify the electronic filing of the transaction described in the receipt on the electronic record of title maintained under 61-3-101.

(84) "Travel trailer" means a vehicle:

(a) that is 40 feet or less in length;

(b) that is of a size or weight that does not require special permits when towed by a motor vehicle;

(c) with gross trailer area of less than 320 square feet; and

(d) that is designed to provide temporary facilities for recreational, travel, or camping use and not used as a principal residence.

(85) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(86) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

(87) "Under the influence" has the meaning provided in ~~61-8-401~~ [section 1].

(88) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, or given away or had its title transferred from the person who first took title to it from the manufacturer, importer, dealer, wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what is commonly known as "secondhand" within the ordinary meaning of that term.

(89) "Van" means a motor vehicle designed for the transportation of at least six persons and not more than nine persons and intended for but not limited to family or personal transportation without compensation.

(90) (a) "Vehicle" means a device in, on, or by which any person or property may be transported or drawn on a public highway, except devices moved by animal power or used exclusively on stationary rails or tracks.

(b) The term does not include a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.

(91) "Vehicle identification number" means the number, letters, or combination of numbers and letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for the purpose of identifying the motor vehicle or a component part of the motor vehicle.

(92) "Vessel" means every description of watercraft, unless otherwise defined by the department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(93) "Wholesaler" means a person that for a commission or with intent to make a profit or gain of money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a used motor vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or special mobile equipment only to dealers and auto auctions licensed under chapter 4, part 1.""

Insert: Section 32. Section 61-2-107, MCA, is amended to read:

"61-2-107. License reinstatement fee to fund county drinking and driving prevention programs. (1) Notwithstanding the provisions of any other law of the state, a driver's license that has been suspended or revoked under 61-5-205 or ~~61-8-402~~ [section 8] must remain suspended or revoked until the driver has paid to the department a fee of $200 in addition to any other fines~~, forfeitures,~~ and penalties assessed as a result of conviction for a

violation of the traffic laws of the state.

(2) The department shall deposit one-half of the fees collected under subsection (1) in the general fund and the other half in an account in the state special revenue fund to be used for funding county drinking and driving prevention programs as provided in 61-2-108.""

Insert: Section 33. Section 61-2-302, MCA, is amended to read:

"61-2-302. Establishment of driver rehabilitation and improvement program -- participation by offending drivers. (1) The department may establish by administrative rules a driver rehabilitation and improvement program or programs. The programs may consist of classroom instruction in rules of the road, driving techniques, defensive driving, driver attitudes and habits, actual on-the-road driver's training, and other subjects or tasks designed to contribute to proper driving attitudes, habits, and techniques and must include the requirements for obtaining a restricted probationary driver's license.

(2) Except when otherwise provided or restricted by statute, a person whose driver's license is suspended or revoked by the department, unless the suspension or revocation was for an offense under ~~61-8-401, 61-8-406, or 61-8-411~~ [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], may participate in any driver rehabilitation and improvement program established under this section if the person's license is:

(a) suspended as a result of a violation of the traffic laws of this state, unless the suspension was imposed under the authority provided in Title 61, chapter 8, part 8; or

(b) revoked and the person has:

(i) completed at least 3 months of a 1-year revocation; or

(ii) completed 1 year of a 3-year revocation; and

(iii) met the requirements for reobtaining a Montana driver's license.

(3) Notwithstanding any provision of this part inconsistent with any other law of the state of Montana, the enforcement of any suspension or revocation order that constitutes the basis for any person's participation in the driver rehabilitation and improvement program provided for in this section may be stayed if that person complies with the requirements established for the driver rehabilitation and improvement program and meets the eligibility requirements of subsection (2).

(4) If a person's driver's license has been surrendered before the person's selection for participation in the driver rehabilitation and improvement program, the license may be returned upon receipt of the person's agreement to participate in the program.

(5) The stay of enforcement of any suspension or revocation action must be terminated and the suspension or revocation action must be reinstated if a person declines to participate in the driver rehabilitation and improvement program or fails to meet the attendance or other requirements established for participation in the program.

(6) This part does not create a right to be included in any program established under this part.

(7) The department may establish a schedule of fees that may be charged to those persons participating in the driver improvement and rehabilitation program. The fees must be used to help defray costs of maintaining the program.

(8) A person may be referred to this program by a driver improvement analyst, city judge, justice of the peace, youth court judge, judge of a district court of the state, or hearing examiner of the department.

(9) (a) Except as provided in subsection (9)(b), the department may issue a restricted

probationary license to any person who enrolls and participates in the driver rehabilitation and improvement program. Upon issuance of a probationary license under this section, the licensee is subject to the restrictions set forth on the license.

(b) The department may not issue a restricted probationary license that would permit an individual to drive a commercial motor vehicle during a period in which:

(i) the individual is disqualified from operating a commercial motor vehicle under state or federal law; or

(ii) the individual's driver's license or driving privilege is revoked, suspended, or canceled.

(10) It is a misdemeanor for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to the person under this section."

"

Insert: Section 34. Section 61-5-125, MCA, is amended to read:

"61-5-125. Authority of department -- rulemaking authority. (1) The department shall administer and enforce the provisions of this chapter.

(2) The department shall adopt rules setting standards to govern driver's license examinations and reexaminations. The rules:

(a) must specifically address the functional abilities and skills required for a person to exercise ordinary and reasonable control in the safe operation of a motor vehicle on a highway;

(b) must include minimum uncorrected or corrected visual acuity requirements for both unrestricted and restricted licensure and may include minimum field of vision and depth perception requirements and hearing requirements for unrestricted and restricted licensure;

(c) may direct the design of one or more types of skills tests to assess an applicant's or licensee's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway. A skills test may consist of:

(i) a comprehensive assessment of a person's functional abilities by means of an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle; or

(ii) a more limited assessment of a person's functional abilities, conducted at the discretion of the department, as related to a specific physical or mental condition or conditions or a request for reexamination;

(d) must include operational restrictions based upon the visual acuity of an applicant or licensee;

(e) may take into consideration any nationally recognized standards or recommended practices for assessment of a person's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway;

(f) must include appropriate licensing criteria relating to the use of adaptive equipment or operational limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction;

(g) may be derived from medical guidelines and information compiled by driver licensing medical advisory or review boards from other jurisdictions, as well as information received from advocacy groups for persons with disabilities and senior citizens; and

(h) except as provided in 61-5-105, may not use a person's age or physical or mental disability, limitation, or condition as a justification for denial of a license.

(3) The department shall adopt rules governing the issuance of a hardship license to an underage applicant, including but not limited to an applicant who is 14 years of age or older who holds a valid learner license under 61-5-106. The rules must consider whether a hardship license is needed because the applicant's licensed parent or guardian is not available to accompany the licensee due to employment or circumstances related to the operation of a farm or ranch and the licensee is required to drive more than 7 miles from the licensee's residence to the licensee's school bus stop.

(4) The department may adopt additional rules governing:

(a) acceptable methods of proof of identification that must be supplied by a person upon application for or renewal of a driver's license;

(b) the cancellation of a driver's license upon receipt of an insufficient funds check in payment of license fees;

(c) circumstances under which the department may issue a probationary license to a person whose license has been suspended or revoked or a person whose license is subject to a discretionary suspension or revocation;

(d) restrictions and duration to be imposed upon a probationary license;

(e) renewal of a driver's license by a person in the military assigned to active duty who had a valid Montana driver's license at the time of entering active duty;

(f) issuance of a replacement driver's license; ~~and~~

(g) a determination of the driver's license expiration date, minimum and maximum license terms, and license renewal requirements for a driver's license issued to a person who is a foreign national whose presence in the United States is temporarily authorized under federal law~~.~~;

(h) issuance and cancellation of probationary or restricted driver licenses, including the requirements for issuing a probationary license when the person is convicted in an out-of-state jurisdiction;

(i) the determination of the appropriate sanction to apply based on a conviction or administrative action, including the duration and requirements for restoration; and

(j) the procedures for the collection, distribution, and strict accountability of any funds received for fees collected for an implied consent refusal.""

Insert: Section 35. Section 61-5-205, MCA, is amended to read:

"61-5-205. Mandatory revocation or suspension of license upon certain convictions -- duration of action -- exceptions. (1) The department shall revoke an individual's driver's license or driving privilege if the department receives ~~notice from a court or another licensing jurisdiction~~ a report of conviction, as defined in 61-5-213, in this state or a violation of a similar statute or regulation in another state or on a federally recognized Indian reservation, that the individual has been convicted of any of the following offenses:

(a) negligent homicide resulting from the operation of a motor vehicle;

(b) any felony in the commission of which a motor vehicle is used;

(c) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(d) perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles;

(e) fleeing from or eluding a peace officer; ~~or~~

(f) ~~negligent vehicular assault as defined in 45-5-205 involving a motor vehicle.~~ negligent operation of a vehicle, other than a bicycle, while under the influence of alcohol or drugs or both and causing bodily injury to another; or

(g) a felony offense of driving under the influence of alcohol or drugs or both.

~~(2) The department shall suspend an individual's driver's license or driving privilege if the department receives notice from a court or another licensing jurisdiction that the individual has been convicted of any of the following offenses:~~

~~(a) a driving offense under 61-8-401, 61-8-406, or 61-8-411;~~

~~(b) three reckless driving offenses committed within a period of 12 months; or~~

~~(c) a theft offense under 45-6-301 if the theft consisted of theft of motor vehicle fuel and a motor vehicle was used in the commission of the offense.~~

~~(3)~~(2) A revocation under subsections (1)(a), (1)(b), and (1)(d) through ~~(1)(f)~~ (1)(g) must be for ~~a period of~~ 1 year. A revocation under subsection (1)(c) must be for ~~a period of~~ 1 year, except that a revocation must be for 2 years if the offender received a felony conviction under 61-7-103.

(3) The department shall suspend an individual's driver's license or driving privilege if the department receives a report of a conviction, as defined in 61-5-213, in this state or a violation of a similar statute or regulation in another state or on a federally recognized Indian reservation, that the individual has been convicted of any of the following offenses:

(a) a misdemeanor offense of driving under the influence of alcohol or drugs;

(b) three reckless driving offenses committed within a period of 12 months; or

(c) a theft offense if the theft consisted of theft of motor vehicle fuel and a motor vehicle was used in the commission of the offense.

(4) (a) Except as provided in subsections (4)(b) and (4)(c), a suspension under subsection ~~(2)~~ (3) must be for ~~a period~~ the duration of 1 year.

(b) A suspension under subsection ~~(2)(a)~~ (3)(a) must be for the ~~period~~ duration set forth in 61-5-208.

(c) A suspension under subsection ~~(2)(c)~~ (3)(c) must be for ~~one of the following periods~~:

(i) 30 days for a first offense;

(ii) 6 months for a second offense; and

(iii) 1 year for a third or subsequent offense.""

Insert: Section 36. Section 61-5-208, MCA, is amended to read:

"61-5-208. ~~Period~~ Duration of suspension or revocation -- limitation on issuance of probationary license -- notation on driver's license. (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways, except as permitted by law.

(2) (a) Except as provided ~~in 44-4-1205 and 61-2-302 and except as otherwise provided in this section~~ by law, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension ~~period~~ duration has been completed.

~~(b) Subject to 61-5-231 and except as provided in subsection (4) of this section:~~

~~(i) upon receiving a report of a person's conviction or forfeiture of bail or collateral not vacated for a first offense of violating 61-8-401, 61-8-406, 61-8-411, or 61-8-465, the department shall suspend the driver's license or driving privilege of the person for a period of 6 months;~~

~~(ii) upon receiving a report of a person's conviction or forfeiture of bail or collateral not vacated for a second offense of violating 61-8-401, 61-8-406, 61-8-411, or 61-8-465 within the time period specified in 61-8-734, the department shall suspend the driver's license or driving privilege of the person for a period of 1 year and may not issue a probationary license during the period of suspension unless the person completes at least 45 days of the 1-year suspension and the report of conviction includes a recommendation from the court that a probationary driver's license be issued subject to the requirements of 61-8-442. If the 1-year suspension period passes and the person has not completed chemical dependency treatment, as required under 61-8-732, the license suspension remains in effect until treatment is completed.~~

~~(iii) upon receiving a report of a person's conviction or forfeiture of bail or collateral not vacated for a third or subsequent offense of violating 61-8-401, 61-8-406, 61-8-411, or 61-8-465] within the time period specified in 61-8-734, the department shall suspend the driver's license or driving privilege of the person for a period of 1 year and may not issue a probationary license during the period of suspension unless the person completes at least 90 days of the 1-year suspension and the report of conviction includes a recommendation from the court that a probationary driver's license be issued subject to the requirements of 61-8-442. If the 1-year suspension period passes and the person has not completed chemical dependency treatment, as required under 61-8-732, the license suspension remains in effect until treatment is completed.~~

(b) The department shall apply the appropriate sanction to the driver based on the reported and prior convictions, as defined in 61-5-213, in this state or a violation of a similar statute or regulation in another state or on a federally recognized Indian reservation.

(c) The driver must pay all reinstatement and administrative fees owed to the department before a probationary license is issued or a driver's license or privilege to drive is restored.

~~(3) (a)~~(d) Except as provided in subsection ~~(3)(b)~~ (2)(e) or as provided in 61-8-802, the ~~period~~ duration of the suspension or revocation ~~for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license~~ commences from the date of conviction, ~~or forfeiture of bail~~ as defined in 61-5-213, or from the date of the event mandating an administrative suspension or revocation.

~~(b)~~(e) ~~A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.~~ If the reported conviction is for driving with a suspended or revoked license or while declared a habitual traffic offender, the suspension commences from the last day of the sanction that resulted in the offender being suspended.

~~(4)~~(f) ~~If~~ In addition to any other permitted sanction, if a person is convicted of ~~a violation of 61-8-401, 61-8-406, 61-8-411, or 61-8-465~~ driving under the influence of alcohol or drugs while a commercial driver ~~while~~ operating a commercial motor vehicle, the department shall suspend the person's commercial driver's license or commercial privilege to drive as provided in 61-8-802.

(3) Upon receiving a report of a person's conviction for a misdemeanor offense of driving under the influence of alcohol or drugs, the department:

(a) for a misdemeanor first offense:

(i) shall suspend the driver's license or privilege to drive for 6 months; and

(ii) may issue a probationary license during the period of suspension, unless the report

of conviction includes a statement that the court does not recommend a probationary license;

(b) for a misdemeanor second offense:

(i) shall suspend the driver's license or privilege to drive for 1 year;

(ii) may not issue a probationary license during the period of suspension until the person completes at least 180 days of the 1-year suspension, unless the department receives a report that:

(A) the person is enrolled in the 24/7 sobriety and drug monitoring program, as provided in 44-4-1203, and the report of conviction includes a recommendation from the court that a probationary license be issued subject to the requirements of [section 14]; or

(B) the person is enrolled in a DUI treatment court and the DUI court recommends a probationary license as provided in [section 16]; and

(iii) after the mandatory 180-day waiting period, may issue a probationary license when the court makes a recommendation for a probationary license as provided in [section 14] or for an out-of-state conviction upon receipt of proof of enrollment in an alcohol or drug education course or treatment as provided in [section 5];

(c) for a misdemeanor third offense or subsequent offense:

(i) shall suspend the driver's license or privilege to drive for 1 year;

(ii) may not issue a probationary license during the period of suspension until the person completes at least 180 days of the 1-year suspension, unless the department receives a report that:

(A) the person is enrolled in the 24/7 sobriety and drug monitoring program, as provided in 44-4-1203, and the report of conviction includes a recommendation from the court that a probationary license be issued subject to the requirements of [section 14]; or

(B) the person is enrolled in a DUI treatment court and the DUI court recommends a probationary license as provided in [section 16]; and

(iii) after the mandatory 180-day waiting period, may issue a probationary license when the court makes a recommendation for a probationary license as provided in [section 14] or for an out-of-state conviction upon receipt of proof of enrollment in an alcohol or drug education course or treatment as provided in [section 5].

(4) For a suspension ordered under subsection (3), the driver's license or privilege to drive must remain suspended until the duration of the suspension ends and the department receives proof of completion of mandatory treatment under [section 5].

(5) (a) Upon receiving a report of a person's conviction for a felony offense of driving under the influence of alcohol or drugs, the department:

(i) shall revoke the driver's license or privilege to drive for 1 year;

(ii) may not issue a probationary license until the person completes 180 days of the 1-year revocation;

(iii) shall mark on the person's driver license the duration of the restrictions; and

(iv) may issue a probationary license after the mandatory 180-day waiting period when the judgment has as a condition of probation that the person may not operate a motor vehicle unless:

(A) operation is authorized by the person's probation officer;

(B) a motor vehicle operated by the person is equipped with an ignition interlock device; or

(C) the person is enrolled in the 24/7 sobriety and drug monitoring program as provided in 44-4-1203.

(b) The department may not restore full driving privileges until the duration of the revocation period ends and the department receives proof of completion of treatment as required in [section 5].

(6) Upon receiving a report of a person's conviction for driving under the influence of alcohol or drugs while under 21 years of age with a blood alcohol concentration of greater than 0.02 and less than 0.08, the department:

(a) for a first offense:

(i) shall suspend the driver's license or privilege to drive for a duration of 6 months; and

(ii) may issue a probationary license if the person was under 18 years of age at the time of the offense and completed at least 60 days of the suspension period;

(b) for a second offense:

(i) shall suspend the driver's license or privilege to drive for 1 year;

(ii) may issue a probationary license if the person was under 18 years of age at the time of the offense and completed at least 60 days of the suspension period.

~~(5) (a) A driver's license that is issued after a license revocation to a person described in subsection (5)(b) must be clearly marked with a notation that conveys the term of the person's probation restrictions.~~

~~(b) The provisions of subsection (5)(a) apply to a license issued to a person for whom a court has reported a felony conviction under 61-8-731, the judgment for which has as a condition of probation that the person may not operate a motor vehicle unless:~~

~~(i) operation is authorized by the person's probation officer; or~~

~~(ii) a motor vehicle operated by the person is equipped with an ignition interlock device.~~""

Insert: Section 37. Section 61-5-212, MCA, is amended to read:

"61-5-212. Driving while license suspended or revoked -- penalty -- second offense of driving without licensing exemption. (1) (a) A person commits the offense of driving a motor vehicle without statutory exemption or during a suspension or revocation period if the person drives:

(i) a motor vehicle on any public highway of this state at a time when the person's privilege to drive or apply for and be issued a driver's license is suspended or revoked in this state or any other state unless the person has obtained a restricted-use driving permit under 61-5-232;

(ii) a commercial motor vehicle while the person's commercial driver's license is revoked, suspended, or canceled in this state or any other state or the person is disqualified from operating a commercial motor vehicle or from obtaining a commercial driver's license; or

(iii) a motor vehicle on any public highway of this state without proof of a statutory exemption, as provided in 61-5-104.

(b) (i) A person convicted of the offense of driving a motor vehicle without proof of a statutory exemption for the second time shall be punished by imprisonment for not less than 2 days or more than 6 months and may be fined not more than $500.

(ii) Except as provided in subsection (1)(b)(iii), a person convicted of the offense of driving during a suspension or revocation period shall be fined an amount not to exceed $500 or be imprisoned for a term of not more than 6 months, or both.

(iii) If the reason for the suspension or revocation was that the person was convicted of a violation of ~~61-8-401, 61-8-406, or 61-8-411~~ [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)] or

a similar offense under the laws of any other state or the suspension was under ~~61-8-402 or 61-8-409~~ [section 8] or a similar law of any other state for refusal to take a test for alcohol or drugs requested by a peace officer who believed that the person might be driving under the influence, the person shall be imprisoned for a term of not less than 2 days or more than 6 months or be fined an amount not to exceed $2,000, or both, and in addition, the court may order the person to perform up to 40 hours of community service.

(2) (a) Upon receiving a record of the conviction of any person under this section upon a charge of driving a noncommercial vehicle while the person's driver's license, privilege to drive, or privilege to apply for and be issued a driver's license was suspended or revoked, the department shall extend the period of suspension or revocation for an additional 1-year period.

(b) Upon receiving a record of the conviction of any person under this section upon a charge of driving a commercial motor vehicle while the person's commercial driver's license was revoked, suspended, or canceled or the person was disqualified from operating a commercial motor vehicle under federal regulations, the department shall suspend the person's commercial driver's license in accordance with 61-8-802.""

Insert: Section 38. Section 61-5-218, MCA, is amended to read:

"61-5-218. License reinstatement fee following license suspension or revocation. (1) Except as provided in subsection (2), a person whose driver's license, other than a commercial driver's license, or driving privilege has been suspended or revoked shall pay a reinstatement fee of $100 to the department to have the driver's license or driving privilege reinstated.

(2) (a) A person whose driver's license or driving privilege was suspended or revoked under 61-5-205 or ~~61-8-402~~ [section 8] shall pay a reinstatement fee as required by 61-2-107.

(b) A driver's license or driving privilege that was suspended or revoked under 61-5-207 must be reinstated without payment of a reinstatement fee.

(c) The reinstatement fee required under subsection (1) must be waived by the department when a court notifies the department that the person has satisfied the requirements of 61-5-214(2) and the court has determined that the person is indigent under the standards set forth in 47-1-111.

(3) The department shall deposit the fees collected under subsection (1) in the general fund.""

Insert: Section 39. Section 61-5-231, MCA, is amended to read:

"61-5-231. Authorization of probationary license by DUI court ~~-- definition~~. (1) If a person convicted of a second or subsequent misdemeanor offense of driving under the influence of alcohol or drugs under ~~61-8-401 or 61-8-411~~ [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)], driving with excessive alcohol concentration under ~~61-8-406~~ [section 2(1)(b), (1)(c), or (1)(d)], or aggravated driving under the influence ~~under 61-8-465~~ as defined in [section 1] is participating in a DUI court as defined in [section 1], the court may, in the court's discretion, authorize a probationary driver's license for the participant subject to ~~61-8-442~~ [section 6] and any other conditions imposed within the scope of the court's authority.

(2) If the participant fails to comply with the court's conditions, the court may revoke the probationary driver's license and impose a driver's license suspension for the time period established pursuant to 61-5-208 commencing from the date of the court's revocation of the probationary license.

~~(3) For purposes of this section, "DUI court" means any court that has established a~~

~~special docket for handling cases involving persons charged with violations under 61-8-401, 61-8-406, 61-8-411, or 61-8-465 and that implements a program of incentives and sanctions intended to assist a participant in completing treatment ordered pursuant to 61-8-732 and ending the participant's criminal behavior associated with driving under the influence of alcohol or drugs or with excessive alcohol concentration.~~""

Insert: Section 40. Section 61-5-405, MCA, is amended to read:

"61-5-405. Offenses furnishing ground for suspension or revocation of license -- return to licensing jurisdiction of abstracts of court records and reports of conviction. (1) Items enumerated in Article IV(1), subsections (a), (b), (c), and (d), of 61-5-401 refer specifically to 45-5-103, 45-5-104, ~~61-8-401~~ [section 2], the definition of felony as provided in 45-2-101, and 61-7-105, respectively.

(2) In addition to convictions mentioned in subsection (1), the department, for the purpose of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported as it would if the conduct had occurred in this state for:

(a) convictions of perjury or the making of a false affidavit relating to the ownership or operation of a motor vehicle (61-5-303);

(b) three convictions of reckless driving committed within a period of 12 months (61-8-301); or

(c) convictions of careless driving resulting in death or reckless driving resulting in death.

(3) Court abstracts or reports of conviction received by the department that name an individual licensed in another jurisdiction must be forwarded to the jurisdiction of licensure. The department may not take action against the driver's license or driving privilege of the individual as may be required elsewhere in this title.""

Insert: Section 41. Section 61-8-101, MCA, is amended to read:

"61-8-101. Application -- exceptions. (1) As used in this chapter, "ways of this state open to the public" means any highway, road, alley, lane, parking area, or other public or private place adapted and fitted for public travel that is in common use by the public.

(2) The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(a) where a different place is specifically referred to in a given section;

(b) the provisions of 61-8-301 and ~~61-8-401(1)(b), (1)(c), and (2)~~ [section 2(1) and (2)], with regard to operating a vehicle while under the influence of drugs, apply anywhere within this state;

(c) the provisions of 61-8-301 and ~~61-8-401 except subsections (1)(b), (1)(c), and (2) thereof, 61-8-402 through 61-8-405, and 61-8-465~~ [section 2], except under the influence of a dangerous drug and [section 2(2)], with regard to operating a vehicle while under the influence of alcohol, apply upon all ways of this state open to the public.

(3) The operation of motor vehicles directly across the public roads and highways of this state, especially as required in the transportation of natural resource products, including agricultural products and livestock, shall not be considered to be the operation of such vehicles on the public roads and highways of this state or on ways of this state open to the public, provided that such crossings are adequately marked with warning signs or devices. Such crossings are subject to provisions relating to stopping before entry and to restoration of any

damage as may reasonably be prescribed by the state or local agency in control of safety of operation of the public highway involved.""

Insert: Section 42. Section 61-8-102, MCA, is amended to read:

"61-8-102. Uniformity of interpretation -- definitions. (1) Interpretation of this chapter in this state must be as consistent as possible with the interpretation of similar laws in other states.

(2) As used in this chapter, unless the context requires otherwise, the following definitions apply:

(a) "Authorized emergency vehicle" means a vehicle of a governmental fire agency organized under Title 7, chapter 33, an ambulance, or an emergency vehicle designated or authorized by the department.

(b) "Bicycle" means a vehicle propelled solely by human power on which any person may ride, irrespective of the number of wheels, except scooters, wheelchairs, and similar devices. The term includes an electrically assisted bicycle.

(c) "Bicycle trailer" means a device with one or more wheels that is designed to be towed by a bicycle.

(d) "Business district" means the territory contiguous to and including a highway when within any 600 feet along a highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, and public buildings that occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

(e) "Controlled-access highway" means a highway, street, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the highway, street, or roadway except at the points and in the manner as determined by the public authority having jurisdiction over the highway, street, or roadway.

(f) "Crosswalk" means:

(i) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or

(ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians crossing by lines or other markings on the surface.

(g) "Electrically assisted bicycle" means a vehicle on which a person may ride that has two tandem wheels and an electric motor capable of propelling the vehicle and a rider who weighs 170 pounds no faster than 20 miles an hour on a paved, level surface.

(h) "Flag person" means a person who directs, controls, or alters the normal flow of vehicular traffic on a street or highway as a result of a vehicular traffic hazard then present on that street or highway. This person, except a uniformed traffic enforcement officer exercising the officer's duty as a result of a planned vehicular traffic hazard, must be equipped as required by the rules of the department of transportation.

(i) "Highway" has the meaning provided in 61-1-101, but includes ways that have been or are later dedicated to public use.

(j) "Ignition interlock device" means ignition equipment that:

(i) analyzes the breath to determine blood alcohol concentration;

(ii) is approved by the department pursuant to ~~61-8-441~~ [section 13]; and

(iii) is designed to prevent a motor vehicle from being operated by a person who has

consumed a specific amount of an alcoholic beverage.

(k) (i) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or if there are no curb lines then the lateral boundary lines of the roadways of two highways that join one another at or approximately at right angles or the area within which vehicles traveling on different highways joining at any other angle may come in conflict.

(ii) When a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway must be regarded as a separate intersection. If the intersecting highways also include two roadways 30 feet or more apart, then every crossing of two roadways of the highways must be regarded as a separate intersection.

(l) "Laned roadway" means a roadway that is divided into two or more clearly marked lanes for vehicular traffic.

(m) "Local authorities" means every county, municipal, and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state.

(n) "Moped" means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion, and an independent power source providing a maximum of 2 brake horsepower. The power source may not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour on a level surface. The device must be equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the drive system is engaged.

(o) "Noncommercial motor vehicle" or "noncommercial vehicle" means any motor vehicle or combination of motor vehicles that is not included in the definition of commercial motor vehicle in 61-1-101 and includes but is not limited to the vehicles listed in 61-1-101(9)(b).

(p) "Official traffic control devices" means all signs, signals, markings, and devices not inconsistent with this title that are placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

(q) "Pedestrian" means any person on foot or any person in a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

(r) "Police vehicle" means a vehicle used in the service of any law enforcement agency.

(s) "Private road" or "driveway" means a way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(t) "Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is primarily improved with residences or residences and buildings in use for business.

(u) "Right-of-way" means the privilege of the immediate use of the roadway.

(v) "Roadway" means the portion of a highway that is improved, designed, or ordinarily used for vehicular travel, including the paved shoulder.

(w) "School bus" has the meaning provided in 20-10-101.

(x) "Sidewalk" means the portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines and that is intended for use by pedestrians.

(y) "Traffic control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

(z) "Urban district" means the territory contiguous to and including any street that is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less

than 100 feet for a distance of one-fourth mile or more.""

Insert: Section 43. Section 61-8-805, MCA, is amended to read:

"61-8-805. Suspension for operating commercial vehicle with alcohol concentration of 0.04 or more -- hearing. (1) A person whose alcohol concentration is 0.04 or more while the person drives or is in actual physical control of a commercial motor vehicle is subject to the suspension of the person's commercial driver's license or commercial privilege to drive. The peace officer who determines that the person is operating a commercial motor vehicle with an alcohol concentration of 0.04 or more shall immediately seize the person's commercial driver's license and, on behalf of the department, give the person written notice of the license suspension and the right to a hearing under 61-8-808. Upon receipt of a report certified under penalty of law from the peace officer that the person was operating a commercial motor vehicle with an alcohol concentration of 0.04 or more, the department shall apply a major offense to the driving record and take the appropriate suspension as provided in 61-8-802. ~~suspend the license, with no provision for a restricted probationary commercial license, for:~~

~~(a) 1 year, upon receipt of the first report of a 0.04 or more alcohol concentration violation, except that if the violation occurred in a commercial motor vehicle transporting placardable hazardous materials, the suspension must be for 3 years; and~~

~~(b) life, upon receipt of a second or subsequent 0.04 or more alcohol concentration violation report at any time as determined from the records of the department, subject to federal rules allowing for driver rehabilitation and license reinstatement, if otherwise eligible, upon service of a minimum period of 10 years' suspension.~~

(2) A peace officer who determines that a commercial motor vehicle operator has a measured amount or detected presence of alcohol in the operator's body while operating a commercial motor vehicle shall place the commercial motor vehicle operator out of service as mandated by federal regulations for 24 hours.

(3) The fact that a person charged with a violation of the provisions of subsection (1) is entitled to use alcohol under the laws of Montana is not a defense against a charge of violating the provisions of subsection (1).

(4) For purposes of this section, a conviction for violation of ~~61-8-401 or 61-8-406~~ [section 2(1)(a), (1)(b), (1)(c), (1)(d), or (1)(e)] while operating a commercial motor vehicle or a prior refusal to be tested under an implied consent law must be treated as a prior report of a 0.04 or more alcohol concentration violation and must be used in determining the length of the license suspension ~~under subsection (1)~~.""

Insert: Section 44. Section 61-8-807, MCA, is amended to read:

"61-8-807. Administration of tests. Tests required under this part must be administered as provided in ~~61-8-405~~ [section 11].""

Insert: Section 45. Section 61-11-101, MCA, is amended to read:

"61-11-101. Report of convictions and suspension or revocation of driver's licenses -- surrender of licenses. (1) If a person is convicted of an offense for which chapter 5 or chapter 8, part 8, makes mandatory the suspension or revocation of the driver's license or commercial driver's license of the person by the department, the court in which the conviction occurs shall require the surrender to it of all driver's licenses then held by the convicted person. The court shall, within 5 days after the conviction, forward the license and a record of the conviction to the department. If the person does not possess a driver's license, the court shall

indicate that fact in its report to the department.

(2) A court having jurisdiction over offenses committed under a statute of this state or a municipal ordinance regulating the operation of motor vehicles on highways, except for standing or parking statutes or ordinances, shall forward a record of the conviction, as defined in 61-5-213, to the department within 5 days after the conviction. The court may recommend that the department issue a restricted probationary license on the condition that the individual comply with the requirement that the person attend and complete a chemical dependency education course, treatment, or both, as ordered by the court under ~~61-8-732~~ [section 5].

(3) A court or other agency of this state or of a subdivision of the state that has jurisdiction to take any action suspending, revoking, or otherwise limiting a license to drive shall report an action and the adjudication upon which it is based to the department within 5 days on forms furnished by the department.

(4) (a) On a conviction referred to in subsection (1) of a person who holds a commercial driver's license or who is required to hold a commercial driver's license, a court may not take any action, including deferring imposition of judgment, that would prevent a conviction for any violation of a state or local traffic control law or ordinance, except a parking law or ordinance, in any type of motor vehicle, from appearing on the person's driving record. The provisions of this subsection (4)(a) apply only to the conviction of a person who holds a commercial driver's license or who is required to hold a commercial driver's license and do not apply to the conviction of a person who holds any other type of driver's license.

(b) For purposes of this subsection (4), "who is required to hold a commercial driver's license" refers to a person who did not have a commercial driver's license but who was operating a commercial motor vehicle at the time of a violation of a state or local traffic control law or ordinance resulting in a conviction referred to in subsection (1).

(5) (a) If a person who holds a valid registry identification card or license issued pursuant to 50-46-307 or 50-46-308 is convicted of or pleads guilty to any offense related to driving under the influence of alcohol or drugs when the initial offense with which the person was charged was a violation of ~~61-8-401, 61-8-406, 61-8-410, or 61-8-411~~ [section 2(1)], the court in which the conviction occurs shall require the person to surrender the registry identification card or license.

(b) Within 5 days after the conviction, the court shall forward the registry identification card and a copy of the conviction to the department of public health and human services.""

Insert: Section 46. Section 67-1-211, MCA, is amended to read:

"67-1-211. Alcohol concentration standards -- evidence admissible -- administration of tests. (1) If a person acting or attempting to act as a crewmember of an aircraft has an alcohol concentration, as defined in [section 1], of 0.04% by weight or more ~~as defined in 61-8-407~~, it may be inferred that the person is under the influence of alcohol and is in violation of 67-1-204.

(2) Evidence of any measured amount or detected presence of alcohol in the person at the time of the act alleged under subsection (1) and any other competent evidence bearing on the question of whether the person was under the influence of alcohol, drugs, or a combination of the two at the time of the act alleged is admissible in any criminal action or proceeding arising out of acts alleged to have been committed in violation of 67-1-204.

(3) In any criminal action or proceeding arising out of acts alleged to have been committed in violation of 67-1-204, the court or jury may consider federal regulations governing

aeronautics.

(4) A person who operates an aircraft over the lands and waters of this state is considered to have given consent to a test of the person's blood, breath, or urine for the purpose of determining any measured amount or detected presence of alcohol in the person's body if arrested by a peace officer for operating, attempting to operate, or being in actual physical control of an aircraft while under the influence of alcohol, drugs, or a combination of the two. The test must be administered at the direction of a peace officer who has reasonable grounds to believe the person was operating, attempting to operate, or in actual physical control of an aircraft while under the influence of alcohol, drugs, or a combination of the two. The arresting officer may designate which of the tests must be administered. A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal is considered not to have withdrawn the consent provided by this subsection.

(5) If a person charged with a violation of 67-1-204 refuses to submit to a test of the person's blood, breath, or urine for the purpose of determining any measured amount or detected presence of alcohol in the person's body, a test will not be given, but proof of refusal is admissible in any criminal action or proceeding arising out of acts alleged to have been committed in violation of 67-1-204.

(6) The provisions relating to administration of tests provided in ~~61-8-405~~ [section 11] and the definition of alcohol concentration provided in ~~61-8-407~~ [section 1] apply to any testing done to determine any measured amount or detected presence of alcohol in a person and the alcohol concentration of a person charged with violation of 67-1-204.""

Insert: NEW SECTION. **Section 47. Repealer.** The following sections of the Montana Code Annotated are repealed:

61-8-401. Driving under influence of alcohol or drugs -- definitions.
61-8-402. Implied consent -- blood or breath tests for alcohol, drugs, or both -- refusal to submit to test -- administrative license suspension.
61-8-403. Right of appeal to court.
61-8-404. Evidence admissible -- conditions of admissibility.
61-8-405. Administration of tests.
61-8-406. Operation of noncommercial vehicle by person with alcohol concentration of 0.08 or more -- operation of commercial vehicle by person with alcohol concentration of 0.04 or more.
61-8-407. Definition of alcohol concentration.
61-8-408. Multiple convictions prohibited.
61-8-409. Preliminary alcohol screening test.
61-8-410. Operation of vehicle by person under 21 years of age with alcohol concentration of 0.02 or more.
61-8-411. Operation of noncommercial vehicle or commercial vehicle by person under influence of delta-9-tetrahydrocannabinol.
61-8-421. Forfeiture procedure.
61-8-422. Prohibition on transfer, sale, or encumbrance of vehicles subject to forfeiture -- penalty.
61-8-440. Ignition interlock device -- assisting in starting and operating -- circumventing -- penalty.
61-8-441. Department rules regarding ignition interlock devices -- ignition interlock device provider requirements.

61-8-442. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- ignition interlock device -- 24/7 sobriety and drug monitoring program -- forfeiture of vehicle.
61-8-460. Unlawful possession of open alcoholic beverage container in motor vehicle on highway.
61-8-461. Definitions.
61-8-465. Aggravated DUI.
61-8-714. Penalty for driving under influence of alcohol or drugs -- first through third offense.
61-8-722. Penalty for driving with excessive alcohol concentration or delta-9-tetrahydrocannabinol level -- first through third offense.
61-8-731. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- under influence of delta-9-tetrahydrocannabinol -- aggravated driving under the influence -- penalty for fourth or subsequent offense.
61-8-732. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- assessment, education, and treatment required.
61-8-733. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- ignition interlock device -- 24/7 sobriety and drug monitoring program -- forfeiture of vehicle.
61-8-734. Driving under influence of alcohol or drugs -- driving with excessive alcohol concentration -- conviction defined -- place of imprisonment -- home arrest -- exceptions -- deferral of sentence not allowed.
61-8-741. Suspension of imprisonment sentence for DUI court participation -- DUI court defined."

Insert: NEW SECTION. **Section 48. Codification instruction.** [Sections 1 through 17] are intended to be codified as an integral part of Title 61, chapter 8, and the provisions of Title 61, chapter 8, apply to [sections 1 through 17]."

Insert: "COORDINATION SECTION. **Section 49. Coordination instruction.** If both Senate Bill No. 362 and [this act] are passed and approved and if both bills amend sections 44-4-1202, 44-4-1203, and 44-4-1205, then Senate Bill No. 362 is void."

Insert: "COORDINATION SECTION. **Section 50. Coordination instruction.** If both Senate Bill No. 346 and [this act] are passed and approved and if [this act] amends 61-5-125 and Senate Bill No. 346 repeals 61-5-125, then [section 30] of Senate Bill No. 346 is void and [section 23] of Senate Bill No. 346 must read as follows:

"NEW SECTION. **Section 23. Rulemaking authority -- driver's licenses and identification cards.** (1) The department may adopt rules to administer and enforce the provisions of Title 61, chapter 5.

(2) The department may adopt rules governing acceptable methods of proof of identification, including name, date of birth, and authorized presence, that an individual must submit when applying for a license or identification card, including a new, renewal, or replacement license or identification card.

(3) The department may adopt rules governing the determination of the driver's license expiration date, minimum and maximum license terms, and license renewal requirements for a driver's license issued to a person who is a foreign national whose presence in the United States is temporarily authorized under federal law.

(4) The department shall adopt rules governing the calculation of grace periods for renewals and the calculation of other time periods established by statute or federal regulation.

(5) The department may adopt rules governing the renewal of a driver's license by a person in the military assigned to active duty who had a valid Montana driver's license at the time of entering active duty.

(6) The department shall adopt rules to set the standards for driver license examinations and reexaminations.

(7) The department may adopt rules to set the standards for photographs, certifications, and signature requirements for the issuance of driver's licenses.

(8) The department shall adopt rules establishing the functional abilities and skills required to exercise ordinary and reasonable control to safely operate a motor vehicle. The rules:

(a) must include operational restrictions based on the driver's ability and skills;

(b) may direct the design of one or more types of skills tests. A skills test may consist of:

(i) a comprehensive assessment of a person's functional abilities by means of an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle; or

(ii) a more limited assessment of a person's functional abilities, conducted at the discretion of the department, as related to a specific physical or mental condition or conditions or a request for reexamination.

(c) must include appropriate licensing criteria relating to the use of adaptive equipment or operational limits that can be readily discerned by law enforcement or a licensing agency in another jurisdiction.

(9) The department shall adopt rules establishing vision requirements for a person to safely operate a motor vehicle. The rules:

(a) must include the minimum uncorrected or corrected visual acuity requirements for both unrestricted and restricted licenses and operational restrictions based on the visual acuity of an applicant or licensee, including the use of bioptic lenses; and

(b) may include minimum field of vision and depth perception requirements for both unrestricted and restricted licenses.

(10) The rules in subsections (8) and (9):

(a) may take into consideration any nationally recognized standards or recommended practices or standards of other jurisdictions for assessment of a person's functional abilities and skills;

(b) may be derived from medical guidelines and information compiled by driver licensing medical advisory or review boards from other jurisdictions, as well as information received from advocacy groups for persons with disabilities and senior citizens; and

(c) except as provided in 61-5-105, may not use a person's age or a person's physical or mental disability, limitation, or condition as a justification for the denial of a license.

(11) The department shall adopt rules governing the issuance of a restricted learner license, including when the department may issue a restricted learner license to allow for a driver to practice driving skills.

(12) The department shall adopt rules governing the issuance of a hardship license to a person who is at least 13 years of age and because of individual hardship needs a restricted driver's license, including a person who holds a learner license under 61-5-106. The department must consider, among other criteria, whether a hardship license is needed because the applicant's parent or guardian is not available to accompany the licensee, whether due to

employment or circumstances related to the operation of a farm or ranch or because the parent or guardian does not hold a valid driver's license, and the licensee is required to drive to the licensee's school bus stop.

(13) The department may adopt rules governing probationary licenses, including:

(a) issuance to a person whose license has been suspended or revoked or whose license is subject to a discretionary suspension or revocation;

(b) the establishment of restrictions and duration placed on a probationary license;

(c) the expiration of a probationary license;

~~(d) the cancellation of a probationary license for violating the restrictions on the probationary license or for another law violation; and~~

(d) issuance and cancellation of probationary or restricted driver's licenses, including the requirements for issuing a probationary license when the person is convicted in an out-of-state jurisdiction;

(e) the determination of the appropriate sanction to apply based on a conviction or administrative action, including the duration and requirements for restoration;

(f) the procedures for the collection, distribution, and strict accountability of any funds received for fees
collected for an implied consent refusal; and

~~(e)~~(g) the issuance, withdrawal, and monitoring of a restricted-use driving permit issued under 61-5-232.

(14) The department may adopt rules governing the requirements for a veteran designation on a driver's license or identification card.

(15) The department may adopt rules governing the issuance of a replacement driver's license.

(16) The department may adopt rules governing the certification process for cooperative driver testing program instructors.

(17) The department may adopt rules for the implementation of online driver's license renewal.

(18) The department shall adopt rules governing the issuance, renewal, and cancellation of identification cards that align with the proof of identity, residence, and authorized presence standards for a driver's license.

(19) The department may adopt rules for determining moving violations.

(20) The department may adopt rules for charging a fee for not appearing at a scheduled commercial skills test or motorcycle test and for the waiver of the fee for good cause shown.

(21) The department may adopt rules governing the conditions under which an applicant is eligible to receive a driver's license or identification card by expedited service and to set the fee for expedited service.

(22) The department may adopt rules to implement any other provision of this title.""

Insert: "COORDINATION SECTION. **Section 51. Coordination instruction.** If [this act], [House Bill No. 2], and [Senate Bill No. 352] are passed and approved, then [the section providing appropriations for Senate Bill No. 65] in [Senate Bill No. 352] must read:

"If [this act], [House Bill No. 2], and [Senate Bill No. 352] are passed and approved, then [House Bill No. 2] is amended to include a new section that reads:

"NEW SECTION. **Section 13. Appropriations.** (1) There is appropriated to the department of justice, forensic sciences division, $142,688 from the general fund for the fiscal

year beginning July 1, 2019, and $86,376 from the general fund for the fiscal year beginning July 1, 2020, for the purpose of complying with [House Bill No. 685].

(2) There is appropriated to the department of justice, Montana highway patrol, $26,830 from the state special revenue account established in 44-1-110 for the fiscal year beginning July 1, 2019, and $14,430 from the state special revenue account established in 44-1-110 for the fiscal year beginning July 1, 2020, for the purpose of complying with [House Bill No. 685].

(3) There is appropriated to the office of state public defender $62,081 from the general fund for the fiscal year beginning July 1, 2019, and $125,506 from the general fund for the fiscal year beginning July 1, 2020, for the purpose of complying with [House Bill No. 685]."""
Renumber: subsequent sections

4. Page 1, line 13.
Strike: "July 1, 2019"
Insert: "January 1, 2020"
Insert: NEW SECTION. **Section 53. Applicability.** [This act] applies to DUI incidents taking place on or after January 1, 2020."

And, as amended, be concurred in.

Without objection, committee reports were adopted

MOTIONS

Senator Small moved to change his second-reading vote on **HB 597** from No to Yes. So ordered.

Majority Leader Thomas moved the Senate reconsider its action on **HB 597** and place it on second reading the next legislative day. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Welborn, Mr President.
Total 25

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webb, Webber.
Total 25

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 5 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn, Mr President.
Total 42

Nays: Brown, Ellsworth, Esp, Fielder, Howard, Keenan, Vance, Webb.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 268, Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 403 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 34

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Jacobson, MacDonald, McClafferty, McConnell, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 441 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 613 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Brown, Esp, Fielder, Howard, Smith C.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 684 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 722 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 160 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 40

Nays: Esp, Howard, Kary, Keenan, Olszewski, Regier, Smith C, Vance, Webb, Mr President.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 171 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Esp, Keenan.

Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 178 passed as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 26

Nays: Barrett, Blasdel, Brown, Ellsworth, Esp, Fielder, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Richmond, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 200 passed as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Bennett, Vuckovich.
Total 2

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 225 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 240 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 244 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McConnell, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 35

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 254 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Tempel.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 257 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 269 passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 286 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 289 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 291 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 296 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 318 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Pomnichowski, Smith F, Vuckovich.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 9 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Lang, Tempel.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 643 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

Senator Phillips made his farewell remarks to the Senate.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 11:00 a.m., Monday, April 15, 2019, the seventy-ninth legislative day. Motion carried.

Senate adjourned at 1:01 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
SEVENTY-NINTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 15, 2019 — State Capitol

Senate convened at 11:29 a.m. President Sales presiding. Invocation by Senator Osmundson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/15/2019
Correctly printed: **HB 52**, **HB 439**, **HB 515**, **HB 525**, **HB 555**, **HB 636**, **HB 656**, **HB 676**, **HB 680**, **HB 696**, **HB 776**.
Correctly engrossed: **HB 597**, **HB 626**, **HB 640**, **HB 658**, **HB 660**, **HB 661**, **HB 685**, **HB 723, HB 727**, **HB 732**.
Transmitted to the House: **SJ 21**, **HB 4**, **HB 5**, **HB 292**, **HB 403**, **HB 413**, **HB 433**, **HB 440**, **HB 441**, **HB 567**, **HB 598**, **HB 613**, **HB 631**, **HB 643**, **HB 654**, **HB 657**, **HB 684**, **HB 695**, **HB 716**, **HB 722**, **HB 754**, **HJ 10**, **HJ 23**.
Signed by the Secretary of the Senate at 10:00 a.m., April 6, 2019: **SB 177**, **SB 197**, **SB 264**, **SB 270**.
Signed by the President at 7:45 a.m., April 15, 2019: **SB 177**, **SB 197**, **SB 264**, **SB 270**.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/13/2019

SB 43, introduced by M. MacDonald
SB 147, introduced by M. MacDonald
SB 167, introduced by B. Gillespie
SB 256, introduced by J. Ellsworth
SB 344, introduced by M. Lang

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:
4/13/2019

SB 44, introduced by J. Cohenour
SB 55, introduced by D. Salomon
SB 60, introduced by D. Salomon
SB 320, introduced by D. Salomon
SB 333, introduced by J. Cohenour
SB 365, introduced by D. Brown

SB 299 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 299:**

4/13/2019

Representative White, Vice Chair
Representative Z. Brown
Representative R. Knudsen

Senate amendments to House bills concurred in: 4/13/2019

HB 506, introduced by S. Gunderson
HB 566, introduced by B. Bessette

HB 172 - The House failed to concur in Senate amendments to **HB 172,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 172:**

4/13/2019

Representative Bedey, Vice Chair
Representative Garner
Representative Weatherwax

House joint resolutions passed and transmitted to the Senate for concurrence: 4/13/2019

HJ 29, introduced by T. Manzella
HJ 40, introduced by R. Shaw

MOTIONS

Majority Leader Thomas moved that **HB 658** be taken from the Senate and placed on second reading the next legislative day. Minority Leader Sesso moved a **substitute motion** to place **HB 658** on second reading this date. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 26

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Senator Brown moved the conference committee on **SB 134** be dissolved and the same members be appointed to a **free** conference committee on **SB 134**. Without objection, so ordered.

Senator Hinebauch excused at this time.

Majority Leader Thomas moved the Senate reconsider its action on **HB 597** and that **HB 597** be placed on second reading this date. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 34

Nays: Barrett, Bennett, Boland, Cohenour, Fielder, Keenan, Lang, MacDonald, Malek, McConnell, Olszewski, Sands, Smith F, Vuckovich, Webber.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: Hinebauch.
Total 1

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 29, introduced by T. Manzella, A. Redfield, referred to Agriculture, Livestock and Irrigation.
HJ 40, introduced by R. Shaw, referred to Natural Resources.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator K. Regier in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 23 - Senator Flowers moved **SJ 23** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber.
Total 36

Nays: Brown, Cuffe, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Smith C, Vance, Webb, Welborn, Mr President.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 475 - Senator Blasdel moved **HB 475** be concurred in. Motion **failed** as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Cuffe, Fitzpatrick, Flowers, Gauthier, Gross, McConnell, McNally, Regier, Richmond, Salomon, Small, Smith F, Vance, Webb.
Total 18

Nays: Barrett, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, Olszewski, Osmundson, Phillips, Pomnichowski, Sands, Sesso, Smith C, Tempel, Thomas, Vuckovich, Webber, Welborn, Mr President.
Total 32

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 475 - Majority Leader Thomas moved **HB 475** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Bennett, Sesso, Smith F.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 607 - Senator Olszewski moved **HB 607** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Regier.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 532 - Senator Esp moved **HB 532** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 640 - Senator Bogner moved **HB 640** be concurred in.

HB 640 - Senator Esp moved **HB 640**, second reading copy, be amended as follows:

1. Page 14, line 15.
Strike: "Upon"
Insert: "(i) Except as provided in subsection (1)(b)(ii), upon"

2. Page 14, line 18.
Following: line 18
Insert: "(ii) If a victim of sexual abuse or sexual exploitation has attained the age of 14 and has sought services from a contractor as described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault, conditioned upon an understanding that the criminal conduct will not be reported by the department to the county attorney in the jurisdiction in which the alleged crime occurred, the department may not report pursuant to 41-3-205(5)(d) and subsection (1)(b)(i) of this section."

3. Page 20, line 16.
Strike: "The"
Insert: "(i) Except as provided in subsection (5)(d)(ii), the"

4. Page 20, line 20.
Following: line 20
Insert: "(ii) If the exception in 41-3-202(1)(b) applies, a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault shall report to the department as provided in this part without disclosing the names of the victim and the alleged perpetrator of sexual abuse or sexual exploitation.

(iii) When a contractor described in 41-3-201(2)(j) that provides confidential services to victims of sexual assault provides services to youth over the age of 13 who are victims of sexual abuse and sexual exploitation, the contractor may not dissuade or obstruct a victim from reporting the criminal activity and, upon a request by the victim, shall facilitate disclosure to the county attorney and a law enforcement officer as described in Title 7, chapter 32, in the

jurisdiction where the alleged abuse occurred."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 640 - As amended, **HB 640** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 632 - Senator Small moved **HB 632** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 33

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Tempel, Vance, Webb, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 751 - Senator Small moved **HB 751** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 29

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 757 - Senator Boland moved **HB 757** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn.
Total 37

Nays: Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Olszewski, Regier, Smith C, Webb, Mr President.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 311 - Senator Jacobson moved **HB 311** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Brown, Cuffe, Esp, Hoven, Tempel.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 670 - Senator Olszewski moved **HB 670** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Esp.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 715 - Senator Osmundson moved **HB 715** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber.
Total 35

Nays: Ankney, Brown, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Malek, Olszewski, Smith C, Vance, Webb, Welborn, Mr President.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 355 - Senator Cohenour moved **HB 355** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 39

Nays: Blasdel, Brown, Esp, Gillespie, Hinebauch, Keenan, Osmundson, Tempel, Vance, Webb, Mr President.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 389 - Senator Hinebauch moved **HB 389** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Esp, Keenan, Phillips, Pomnichowski, Smith F, Vance.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 423 - Senator Howard moved **HB 423** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Esp, Keenan, Lang, Phillips, Regier.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 432 - Senator Jacobson moved **HB 432** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Barrett, Phillips, Smith F, Tempel, Vuckovich.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 21 - Senator Sands moved **HB 21** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 36

Nays: Blasdel, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Smith C, Tempel, Vance, Webb, Mr President.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes made by Senator Malek under Motions.

HB 467 - Senator Kary moved **HB 467** be concurred in.

HB 467 - Senator Richmond moved **HB 467**, second reading copy, be amended as follows:

1. Title, page 1, line 9.

Following: "~~FACILITIES;~~"
Insert: "ALLOWING A PORTION OF THE BONDS TO BE USED FOR TRANSITION ASSISTANCE TO COMMUNITIES IMPACTED BY THE RETIREMENT OR REPLACEMENT OF ELECTRIC INFRASTRUCTURE OR FACILITIES;"

2. Title, page 1, line 20.
Following: "~~DECISIONS;~~"
Insert: "REQUIRING THE DEPARTMENT OF COMMERCE TO ADMINISTER A GRANT PROGRAM TO MITIGATE IMPACTS TO MONTANA WORKERS AND COMMUNITIES RESULTING FROM THE RETIREMENT OR REPLACEMENT OF ELECTRIC INFRASTRUCTURE OR FACILITIES; ESTABLISHING THE DUTIES OF THE DEPARTMENT;"

3. Page 2, line 14.
Strike: "19"
Insert: "23"

4. Page 2, line 26.
Following: "~~produced;~~"
Insert: "(a) it is the policy of the state to assist infrastructure or facility workers who are directly impacted by the retirement or replacement of electric infrastructure or facilities;"
Renumber: subsequent subsections

5. Page 3, line 1.
Strike: "AND"

6. Page 3, line 7.
Strike: "and"

7. Page 3, line 9.
Following: "resources"
Strike: "."
Insert: "; and

(iii) provide transition assistance to Montana communities and infrastructure or facility workers that are directly impacted by the retirement or replacement of electric infrastructure or facilities.

(d) a grant program is necessary to assist with the administration of securitized ratepayer-backed bond proceeds dedicated to transition assistance for directly impacted Montana communities and electric infrastructure or facility workers."

8. Page 3, line 14.
Strike: "19"
Insert: "23"

9. Page 3, line 27.

Following: "~~2-15-1801.~~"
Insert: "(5) "Department" means the department of commerce provided for in 2-15-1801."
Renumber: subsequent subsections

10. Page 5, line 8.
Strike: "AND"

11. Page 5, line 10.
Following: "~~and~~"
Strike: "(ii) amounts required to be transferred to the department for transition assistance as required by a financing order; and"
Renumber: subsequent subsection

12. Page 5, line 21.
Strike: "(14)(A)"
Insert: "(15)(a)"

13. Page 6, line 13.
Following: "~~facilities.~~"
Insert: "(20) "Transition assistance" means assistance provided by or directed by the department using Montana energy impact assistance bond proceeds transferred by an electric utility to the department pursuant to the terms of a financing order to assist Montana communities that are directly impacted by the retirement or replacement of electric infrastructure or facilities."

14. Page 8, line 12.
Following: "~~[sections 20 through 25];~~"
Insert: "(ii) provide that an amount of Montana energy impact assistance bond proceeds up to 15% of the net present value of electric utility customer savings estimated pursuant to [section 4(3)(e)] be transferred to the department by the electric utility and deposited in the Montana energy impact assistance special revenue account established in [section 23] to which the financing order applies for use by the department in providing transition assistance grants in accordance with [sections 20 through 23] and paying its reasonable and necessary administrative and operating costs as authorized by [sections 20 through 23];"
Renumber: subsequent subsections

15. Page 9, line 10.
Strike: "AND"

16. Page 9, line 12.
Following: "~~and~~"
Insert: "(B) the energy assistance funds are transferred to the department as soon as feasible, but no later than the date on which the electric infrastructure or facility ceases operation; and"

Renumber: subsequent subsections

17. Page 10, line 14.
Strike: "(2)(A)(IV)"
Insert: "(2)(a)(v)"

18. Page 11, line 12.
Following: "~~communities,~~"
Insert: ", including transition assistance to affected workers and communities,"

19. Page 17, line 24.
Strike: "[SECTION 5(2)(A)(VI)]"
Insert: "[section 5(2)(a)(vii)]"

20. Page 19, line 12 through line 13.
Strike: "[SECTION 5(2)(A)(VI)]"
Insert: "[section 5(2)(a)(vii)]"

21. Page 24.
Following: line 18
Insert: "NEW SECTION. **Section 20. Mitigation of impact -- local advisory committees.** (1) In order to mitigate the direct impacts to Montana workers and local communities resulting from the retirement or replacement of electric infrastructure or facilities, the department shall:

(a) determine the direct impacts that a retirement or replacement of electric infrastructure or facilities will have on Montana workers and communities, including tribal entities, and consult with the appropriate state agencies, tribal and local governments, electric utilities, labor unions, and any other persons who possess relevant information in making a determination; and

(b) provide transition assistance grants in accordance with [section 21] to local governments, tribal entities, or agencies of local government, nonprofit corporations, educational institutions, for-profit corporations, or to any community development agency for its use in mitigating direct impacts to workers and local communities resulting from the retirement or replacement of electric infrastructure or facilities.

(2) (a) When determining grant recipients, the department may take into consideration the advice of a local advisory committee established in accordance with subsections (2)(b) and (2)(c).

(b) The department may establish an advisory committee in conjunction with each local government, tribal government, and school district that includes all or a portion of impacted communities.

(c) A local advisory committee:

(i) may advise the department with respect to the nature and scope of the direct impacts to the community resulting from the retirement or replacement of electric infrastructure or facilities and the development of a transition assistance plan for the community; and

(ii) may either be dissolved by the department when the transition assistance is

completed or maintained to advise the department regarding the implementation of the transition assistance."

Insert: "NEW SECTION. **Section 21. Transition assistance grants.** Transition assistance grants awarded in accordance with [sections 20 through 23] may be provided by the department for:

(1) retraining costs, including costs of any apprenticeship program, or skilled worker training program for directly displaced infrastructure or facility workers;

(2) financial assistance for directly displaced infrastructure or facility workers;

(3) payment of retraining costs, including costs of any apprenticeship program or skilled worker training program, and provision of financial assistance, including wage support or supplemental retirement support, for Montana workers;

(4) job retraining and education for workers who are Montana residents who were directly involved in the transport of fuel to retired or replaced electric infrastructure or facilities and who are laid off or experience reduced work schedules resulting from the retirement or replacement of the electric infrastructure or facilities; or

(5) any combination of subsections (1) through (4)."

Insert: "NEW SECTION. **Section 22. Energy impact assistance department duties -- rulemaking -- reporting.** (1) The department may:

(a) expend money in the Montana energy impact assistance special revenue account established in [section 23] to meet the requirements of [sections 20 through 23]; and

(b) adopt rules necessary for the administration of [sections 20 through 23] and the implementation of a grant program.

(2) In any fiscal year that the department provides transition assistance, the department shall submit to the environmental quality council established in 5-16-101 and the legislative finance committee established in 5-12-201 a report in accordance with 5-11-210."

"NEW SECTION. **Section 23. Funding -- special revenue account.** (1) There is a Montana energy impact assistance special revenue account within the state special revenue fund established in 17-2-102.

(2) Revenue derived from payments from electric utilities required to make payments pursuant to the provisions of a financing order in accordance with [section 5] must be deposited into the account.

(3) The revenue received under this section must be used by the department to implement the requirements of [sections 20 through 23].

Renumber: subsequent sections

22. Page 24, line 29.
Strike: "19"
Insert: "23"

23. Page 24, line 30.
Strike: "19"
Insert: "23"

Amendment **not** adopted as follows:

Yeas: Ankney, Blasdel, Fitzpatrick, Gauthier, Gillespie, Hoven, Jacobson, Lang, Regier, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 21

Nays: Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gross, Hinebauch, Howard, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Smith C, Smith F, Vuckovich.
Total 29

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 467 - Thereupon, the Senate reverted to the original motion of Senator Kary which passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webber, Welborn.
Total 43

Nays: Blasdel, Esp, Fielder, Keenan, Thomas, Webb, Mr President.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gross excused at this time.

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator K. Regier moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 46

Nays: Keenan, Olszewski, Webb.
Total 3

Paired: None.

Excused: Gross.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Senator Malek moved to change her second-reading vote on **HB 21** from No to Yes. Without objection, so ordered.

Senate recessed at 1:13 p.m. and reconvened at 1:35 p.m., President Sales presiding.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator K. Regier in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Howard excused at this time.

HB 411 - Senator Welborn moved **HB 411** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 44

Nays: Brown, Esp, Fielder, Hinebauch, Webb.
Total 5

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

HB 431 - Senator Salomon moved **HB 431** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 36

Nays: Barrett, Blasdel, Cuffe, Esp, Fielder, Hinebauch, Kary, Keenan, Pomnichowski, Regier, Vance, Webb, Mr President.
Total 13

Paired: None.

Excused: Howard.
Total 1

Absent or not voting: None.
Total 0

Senator Howard present at this time.

HB 717 - Senator Ankney moved **HB 717** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 48

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 719 - Senator Sands moved **HB 719** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Fielder, Hinebauch, Howard, Kary, Lang, Regier, Smith C, Mr President.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 748 - Senator Webber moved **HB 748** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 44

Nays: Ellsworth, Fielder, Hinebauch, Kary, Regier, Mr President.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 756 - Senator Sands moved **HB 756** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Ellsworth, Fielder, Hinebauch, Kary, Lang, Regier, Smith C, Mr President.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 723 - Senator Gillespie moved **HB 723** be concurred in.

HB 723 - Senator R. Webb moved **HB 723**, second reading copy, be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "PROVIDING" on line 5 through "CREDITS;" on line 6

2. Page 1, line 7.
Strike: "EXPIRING"

3. Title, page 1, line 9.
Strike: "SECTIONS 5-4-104,"
Insert: "SECTION"

4. Title, page 1, line 10 through line 14.
Strike: "15-30-2301," on line 10 through "17-6-316," on line 14

5. Title, page 1, line 15, through page 1, line 17.
Strike: the second "REPEALING" on line 15 through "2017;" on line 17

6. Page 1, line 22.
Strike: "**to expire --**"
Insert: "**subject to review by**"
Strike: "**to review**"

7. Page 1, line 23.
Strike: "expire" through "2021"
Insert: "must be reviewed during the biennium commencing July 1, 2019"

8. Page 1, line 30.
Strike: "expire" through "2023"
Insert: "must be reviewed during the biennium commencing July 1, 2021"

9. Page 2, line 12.
Strike: "expire" through "2025"
Insert: "must be reviewed during the biennium commencing July 1, 2023"

10. Page 2, line 20.
Strike: "expire" through "2027"
Insert: "must be reviewed during the biennium commencing July 1, 2025"

11. Page 2, line 27.
Strike: "expire" through "2029"
Insert: "must be reviewed during the biennium commencing July 1, 2027"

12. Page 3, line 5.
Strike: "to expire"
Insert: "for review"

13. Page 3, line 6.
Strike: "year"
Insert: "biennium"

14. Page 3, line 8.
Strike: the first "extend the" through "dates"
Insert: "eliminate or revise the credits"

15. Page 3, line 9.
Strike: "expiration"
Insert: "review"

16. Page 3, line 9 through line 11.

Strike: "and the" on line 9 through "expiration date" on line 11

17. Page 3, line 11.
Strike: "expiring"

18. Page 3, line 22 through page 4, line 6.
Strike: section 2 in its entirety
Renumber: subsequent section

19. Page 5, line 1 through page 34, line 18.
Strike: section 4 through section 46 in their entirety
Renumber: subsequent section

20. Page 34, line 27 through line 29.
Strike: section 48 in its entirety
Renumber: subsequent sections

21. Page 35, line 5 through page 39, line 25.
Strike: section 50 through section 55 in their entirety
Insert: "COORDINATION SECTION. **Section 5. Coordination instruction.** If both Senate Bill No. 111 and [this act are passed and approved, then [section 1(3) of this act] must be amended to include:
"(f) the credit for contributions to a qualified endowment provided for in 15-30-2327 through 15-30-2329, 15-31-161, and 15-31-162.
Renumber: subsequent section

Amendment **adopted** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 723 - As amended, **HB 723** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 41

Nays: Boland, Gauthier, Gross, Malek, McConnell, Phillips, Pomnichowski, Smith F, Webber.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 660 - Senator McClafferty moved **HB 660** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 661 - Senator Ankney moved **HB 661** be concurred in.

HB 661 - Senator D. Brown moved **HB 661**, second reading copy, be amended as follows:

1. Title, page 1, line 4 through line 5.

Strike: "INCREASING" on line 4 through "TAX;" on line 5

2. Title, page 1, line 8.
Strike: "15-70-403,"

3. Page 2, line 9 through page 4, line 4.
Strike: section 3 in its entirety
Renumber: subsequent sections

4. Page 11, line 16.
Strike: "4.5"
Insert: "3.5"

Amendment **not** adopted as follows:

Yeas: Blasdel, Brown, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Olszewski, Regier, Richmond, Smith C, Thomas, Vance, Webb, Mr President.
Total 17

Nays: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 33

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 661 - Thereupon, the Senate reverted to the original motion of Senator Ankney which passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 33

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Kary, Keenan, Olszewski, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate recessed at 2:40 p.m. and reconvened at 3:03 p.m., President Sales in the chair.

HB 597 - Senator K. Regier moved **HB 597** be concurred in.

HB 597 - Senator McNally moved **HB 597**, second reading copy, be amended as follows:

1. Page 3, line 14.
Strike: "3 years"
Insert: "12 months"

2. Page 3, line 17.
Following: "electricity supply resource"
Strike: ","
Insert: "necessary to meet a need demonstrated in a plan in accordance with 69-3-1204(2)(a)(iv) that is"

3. Page 3, line 18.
Following: "existing"
Strike: ","
Insert: "and"

4. Page 4, line 21.
Following: "appointed"
Insert: "at the request of an applicant in accordance with subsection (1)(a)"

5. Page 4.
Following: line 21
Insert: "(f) If the public service commission determines a hearings examiner is required in accordance with subsection (1)(c), the commission shall cover the costs and may not pass those costs on to an applicant."
Renumber: subsequent subsection

6. Page 9, line 26.
Strike: "and"

7. Page 9, line 28.

Strike: "."
Insert: ";"

8. Page 9, line 29.
Strike: "(2)" through "rates"
Insert: "(d)"

9. Page 9, line 30.
Following: "part"
Insert: ";"
Following: "and"
Insert: "(e)"

10. Page 10, line 1 through line 4.
Strike: "Costs" on line 1 through line 4

11. Page 10, line 5.
Strike: "(3)"
Insert: "(2)"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 41

Nays: Esp, Fielder, Gillespie, Hinebauch, Kary, Keenan, Olszewski, Smith C, Webb.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 597 - As amended, **HB 597** was concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier,

Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 43

Nays: Brown, Ellis, Fielder, Hinebauch, Howard, Malek, Olszewski.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - Senator Small moved **HB 658** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 26

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vance, Vuckovich, Webber, Welborn.

Total 34

Nays: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Olszewski, Regier, Smith C, Thomas, Webb, Mr President.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 52 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 45

Nays: Esp, Fielder, Hinebauch, Regier, Webb.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 439 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich,

Webb, Webber, Welborn, Mr President.
Total 41

Nays: Barrett, Bennett, Cohenour, Ellis, Flowers, Gross, Kary, Malek, Smith C.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 515 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 37

Nays: Blasdel, Cuffe, Ellsworth, Esp, Howard, Kary, Keenan, Lang, Osmundson, Smith C, Tempel, Vance, Mr President.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 525 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 33

Nays: Blasdel, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Vance, Webb, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 555 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 636 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 656 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 676 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Hinebauch, Mr President.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 680 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 696 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 33

Nays: Blasdel, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Webb, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 735 concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski,

Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Boland, Cohenour, Ellis, Flowers, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 776 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 49 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 44

Nays: Brown, Cuffe, Hinebauch, Smith C, Vance, Mr President.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 51 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Senator Thomas moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 172**. Motion carried. President Sales appointed:

4/15/2019

Senator D. Brown, Chair
Senator Sesso
Senator Vance

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick introduced the Pages for the coming week:

Andee Baker from Park City, sponsored by Senator Howard
John Baxter from Big Timber, sponsored by Senator Esp
JR Seewald from Cut Bank, sponsored by Senator Tempel
Ann Byorth from Billings, sponsored by Senator Sales
Jack Galt from White Sulphur Springs, sponsored by Senator Osmundson

On Sunday, April 14, 2019, the Montana Legislature met to recognize and record the passing of former members of the Senate and House of Representatives. Memorials of those members are included in this journal beginning on the following page.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, April 16, 2019, the eightieth legislative day. Motion carried.

Senate adjourned at 3:51 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

BEVERLY H. BARNHART

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Beverly Barnhart on May 13, 2017 at the age of 87.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Beverly Barnhart be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Beverly Barnhart was born on October 29, 1929 in Denver, the only daughter of Adeline Gray and John Henry Homyak. She had three brothers, Howard, John and Gene. Beverly saw the humor and absurdity in everyday life, and she shared her wonderful wit with everyone she met.

She earned an education degree at Northern Colorado University and in 1952 married Robert W. Barnhart. The Barnharts lived in many places including Denver, Helena, Phoenix, Seattle, San Francisco and then Bozeman where Beverly lived in the same house for 43 years. In 1976 she earned a masters' degree from Montana State University.

Volunteering for the Gallatin County Democratic Party in the late '80s led to her successful campaign for the Montana House of Representatives in 1990. She served as a State Representative for ten years, advocating for families, aging services, women, equality and public schools. In 2005 she was instrumental in creating the Poet Laureate Program.

Beverly loved her family and loved to be with them, laughing, eating meals and telling stories. They fondly recall her wide repertoire of songs, including "Mairzy Doats" and "Itsy Bitsy Spider." She recently began jotting down "Delightful Moments" she was having. Number 2 was Snow on the branches; Number 5, Big laughs at the table, and Number 9, Having an old-fashioned donut.

Beverly is survived by her five children: Barbara (John Kjos), Bonnie (Bob Johnson), Betsy (Mike Jasper), Bruce (Laurie Cutler) and Becky (Nissa Hallquist); 10 grandchildren: Karl, Ryan, Megan, (Jacob), Nate, Wesley, Amy (Tim Krushensky), Breezy Cutler; 4 great-grandchildren: Francesca, Zoey, Max, Evey; and one great-great-grandchild, Reese.

JANET SUSAN BARTLETT

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Susan Bartlett on September 11, 2017 in Helena at the age of 70.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Sue Bartlett be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Sue Bartlett was born on July 4, 1947 in Billings. The youngest of three children born to Fred and Irene Bartlett, Sue graduated from Billings West High School in 1965. She received a full tuition scholarship to Washington University in St. Louis where she earned a degree in history.
She was involved in Montana's effort to ratify the Equal Rights Amendment. She was a board member of the Montana ERA Ratification Council, treasurer of the Montana Women's Lobby, and Chief of the Women's Bureau in the Montana Department of Labor.

In 1982 Sue was elected Clerk and Recorder of Lewis & Clark County where she modernized the office and improved services for county citizens. As the Clerk and Recorder, she also lobbied the legislature on issues important to the county. She served as the Assistant Secretary of the Senate in 1991 and then was elected to the Senate in 1992 where she continued her support for gender equality and reproductive freedom. After leaving the Senate she worked for the Montana ACLU, served on the Montana Tax Appeal Board, remained active in the women's movement and the Montana Democratic Party. Carol's List recently honored Sue by planting a tree on the Capitol grounds.

Sue was preceded in death by her parents, her grandparents, and her sister Peg. She is survived by her husband Eugene Fenderson; her brother Donn and his wife Dorothy, nieces and nephews; and Gene's children, grandchildren and great-grandchildren. She also leaves behind countless loving friends for whom she served as mentor, confidante, role model and muse.

ESTHER G. BENGTSON

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Esther Bengtson on January 3, 2019 at the age of 92.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Esther Bengtson be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted..*

Esther Bengtson was born on October 30, 1927 to Goodwin and Elizabeth (Jorgenson) Bergh in Froid. She and her four sisters lived on a dry land farm during the Great Depression, and their lives were shaped by hard times. Esther held a deep reverence for the land and people of northeastern Montana and her Scandinavian heritage. Esther believed that each and every day was not to be wasted, to be idle was not acceptable; she saw this as both a blessing and a curse.

Esther graduated as valedictorian of Froid High School and graduated from the now-Montana State University-Billings. While teaching at a one-room schoolhouse near Froid, she met her future husband, Lawrence Bengtson, when he stopped to fix a flat tire for her. She and Larry were married on September 29, 1948 and were soon raising three "stair-step" blond daughters on their dry land farm near Froid. The family moved to Shepherd in 1960 where Esther taught for many years at Shepherd High School. In 2014 they moved to a retirement community in Billings. They had been married 67 years. Larry passed away in 2015.

In 1973 Esther was elected to the legislature, and she served from 1974-1984 in the House and from 1984-1992 in the Senate. During her legislative career she successfully sponsored legislation establishing the interstate highway logo signs indicating locations of tourist services.

Esther was preceded in death by her husband, her sisters and their husbands, a son-in-law, two nieces and a great granddaughter. She is survived by her three daughters, Kristianne, Monica and Jennifer and their spouses; five grandchildren, Stacy, Megan, Joshua, Evan, and Collin, and their spouses; ten great-grandchildren, Julia, Carly, Brady, Sydney, Kinley, Emery, Sophie, Maisy, Blaire and Jeff; and her sister Doris.

VIVIAN MORGAN BROOKE

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Vivian Morgan Brooke on January 19, 2018 in Missoula at the age of 75.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Vivian Brooke be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Born in New York City and raised in Florida, Vivian moved to Montana to study at Carroll College after working near Glacier National Park during high school. She received her bachelor's degree in sociology from Carroll, and in 1965 met Joe Brooke on the highway between Drummond and Garrison on a blind date. They were married October 15, 1966. They had four children, and Vivian led the family on many excursions from ski trips to showing her family the beauty of Glacier National Park.

Vivian was elected to the Montana House of Representatives in 1988, and she spent three sessions in the House and two sessions in the Senate. She took on tough issues, particularly issues related to women and gay rights. One of the accomplishments that Vivian was most proud of during her time in the legislature was to get a women's prison built in Billings.

Retirement from the legislature gave Vivian more time to enjoy her favorite places and to contribute to various projects in the community. She loved to go on long hikes, travel with friends and family, and enjoy her grandchildren. She applied her competitive spirit to life with a determination to win on the golf course, playing cards, and growing award-winning roses.

Vivian leaves behind her husband Joe, children Patricia, Monica and husband Kevin Scott, Susan and husband Aaron Thompson, Morgan and wife Joy; grandchildren Brooke, Biko, Tony, Maguire and Penelope; great granddaughter Mylah; and her sister Miriam.

AUBYN CURTISS

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Aubyn Curtiss on August 9, 2017 at home in Fortine at the age of 92.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Aubyn Curtiss be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Aubyn Curtiss was born in Park City, Montana, on July 1, 1925. The family moved to Fortine when their daughters were small. Aubyn graduated from Lincoln County High School and studied journalism at UCLA. While in Los Angeles she worked as a welder in the shipyards helping build "Liberty Ships" as part of the World War II effort. After the war she returned to Fortine and married David Curtiss, and the two built their home on Deep Creek near Fortine.

Aubyn loved Montana. After recovering from a series of illnesses in the early 1960s, Aubyn played a role in interviewing people who were being displaced by the building of the Libby Dam and Koocanusa Reservoir. Seeing the plight of people in the face of a taking by big government spurred her interest in politics. A lifelong Republican, Aubyn began her career in politics at the local level and moved into state politics by winning a seat in the state legislature in 1974. She served in both the House of Representatives and the State Senate. She was chairman of the state Republican party and, as a proud supporter of Ronald Reagan, met with him on numerous occasions. She served on the Presidential Scholars Commission under both President Reagan and President George H.W. Bush.

A very humble person with deep Christian beliefs, her style of government was to listen to people and represent their wishes. Her desire every day was to be a blessing to someone. She was the rock of her family and made a positive difference in the lives of many, many people.

She was preceded in death by her sister Rosalie, her husband David, and her son David. She is survived by her daughter Sue, her son Gareth, her grandchildren Patrick Nelson, David Curtiss III, Aubyn Bluette Curtiss, Heath Curtiss and Amber Curtiss and her great-granddaughters Rachel, Annalise and Harper.

DOROTHY ECK

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Dorothy Eck at her home in Bozeman on September 23, 2017 at the age of 93.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Dorothy Eck be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Born in 1924 in Sequin, Washington, to parents Ike and Peggy Fritz. Dorothy graduated from high school in Bremerton in 1941. In 1942 Dorothy married Hugo Eck of Anaconda, and they moved to Montana in 1946, when Hugo was hired to teach architecture at what is now Montana State University. While raising her two children she started college at MSU, earning bachelor's and master's degrees in sociology and psychology. She joined the new local chapter of the League of Women Voters and, when no one else wanted the job, became state president. In 1967 she started traveling to Helena as one of the state's first full-time citizen lobbyists.

Dorothy was elected as a delegate to the 1972 Constitutional Convention, and her influence on the Constitution was profound. She worked on the "right to know" and the "right to participate" rights. After the convention Dorothy and former First Lady Betty Babcock traveled the state to support statewide passage of the new constitution.

Dorothy served in the State Senate from 1980 to 2000, and she was a relentless advocate for education funding. Dorothy served on the Taxation, Natural Resources and Health committees. She was instrumental in restructuring the work of the Environmental Quality Council, and she chaired its Water Oversight Committee. After she retired from the legislature, she mentored legislators like Dorothy Bradley, Hal Harper, Mignon Waterman, and Sue Bartlett. Both Senator Max Baucus and Senator John Tester sought her advice.

Dorothy was preceded in death by her husband Hugo and her son Laurence. She is survived by her sister Carolyn Miller; her daughter Diana Eck and daughter-in-law Dorothy Austin; her grandchildren Bryan Eck, Amber Eck Duby; and four great-granddaughters: Shanoah and Tanner Eck, Jordyn and Kathryn Duby.

ROGER H. ELLIOTT

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Roger Elliott on August 1, 2017 at the age of 86.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Roger Elliott be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Roger was born on May 11, 1931 in Seattle. He was raised by his mother, an independent woman whom he considered one of his guardian angels. He graduated from West Seattle High School and the University of Washington. Directly after college he accepted an accounting position with Foley Brothers Construction, which built the Columbia Falls Aluminum Company. He moved to Montana where he met Grace DeWit, and they were married on April 17, 1959.

He was mayor of Columbia Falls from 1967 to 1971 and served in the Montana State Senate during the 1981 and 1983 sessions. While in the Senate Roger was on the Taxation, Natural Resources, Highways and Education committees.

Roger sold his accounting practice in June of 1980, and the family bought "Elena," a Grand Banks trawler in 1984 and motored up and down the coast from Washington to Alaska. He loved fishing, the scenery and being back on the ocean. They bought a motor home and traveled through America and Canada from 1992 to 2008.

Roger was preceded in death by his mother Geneva Johnson, wife Grace, sister-in-law Marjorie Lindsey, grandson Ron Dodge and great-granddaughter Halia Mandaguit. He is survived by his daughter Diane of Kalispell, son Roger and wife Rose of Columbia Falls, son Wayne and wife Suzanne of Kalispell, and daughter Beth and husband Mark Parrish of Sparks, Nevada.

DENNIS GETZ

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Dennis Getz at his ranch near Wibaux on Tuesday, June 6, 2017 at the age of 66.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Dennis Getz be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Dennis Getz was born in Baker, Montana on February 23, 1951. He grew up on Glendive's south side and was active in Boy Scouts, becoming one of the youngest Eagle Scouts in the state of Montana in 1964. He graduated from Dawson County High School, Glendive, in 1969 and earned a bachelor's degree in sociology with honors from Brigham Young University in 1974.

Dennis began working during the summers at the railroad in 1969. He became a brakeman in 1979 which began his full-time career at Burlington Northern Santa Fe Railroad in Glendive. In 1993 he became an engineer, driving trains from Glendive to Forsyth. He also owned a small bike shop in Glendive from 1988-1992. In March of 1994 he bought a farm/ranch raising alfalfa and operating as Getz Quarterhorses. He said that he enjoyed growing up in the Eastern Montana way of life and that that part of the state is the best part of the best state.

Dennis served in the Montana House of Representatives during the 2009 session and was a devoted Democrat. He served on the Appropriations Committee.

Dennis is survived by his mother, Dorothy Getz of Glendive; two brothers, Dale Getz of Utah and Brian Getz of California; his sister Missy Getz-Berg of Glendive, nieces and nephews, and many friends and neighbors.

CAROL GIBSON

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Carol Gibson on Sunday, December 3, 2017 at the age of 81.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Carol Gibson be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Carol was born on January 27, 1936 in Klamath Falls, Oregon and came to Montana in 1959. She graduated from Happy Camp High School in California and received her bachelor's degree in elementary education from Chico State College. She did graduate work at MSU Bozeman and MSU Billings.

Carol spent 50 years as a teacher and activist working to protect our planet and improve our human condition. She was a member of the Montana House of Representatives during the 2003 legislative session. She also served on the United Way Allocation Board for Youth Services, on the Women's Prison Study with the Montana League of Women Voters, and the Yellowstone County Planning Board.

Carol is survived by her husband of 61 years, John, and three daughters: Teal who is a teacher in Billings, Shawn who lives in Eugene, Oregon, and Jill in Pullman, Washington.

RICHARD E. "DICK" HAINES

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Richard E. "Dick" Haines" on March 13, 2018 at the age of 82.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Dick Haines be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Dick Haines was born on September 28, 1936 in Billings to Elmer "Buck" Haines and Marion "Tye" Haines. The family moved to Helena where Dick graduated from high school in 1954. He graduated from Montana State University in 1959 with a degree in mechanical engineering and from the Army's ROTC program. He then served a two-year Army commitment teaching marksmanship skills. While in the Army he met and married his wife Bunny in June of 1961.

Dick worked a year as a consulting engineer and then accepted an engineering position in 1962 with the U.S. Forest Service. He worked in forests in Montana and Oregon, and in 1988 Dick and Bunny returned to Montana when Dick accepted a supervisory position at Missoula Technology Development Center.

From 1999 through 2004 Dick served three terms in the Montana House of Representatives where he served on the Appropriations Committee and played a major role in establishment of the Western Montana State Veterans Cemetery in Missoula. He was a member of the Missoula City Council for a total of eight years and served on several boards and committees.

As busy as he was, he also found time to enjoy recreation and hobbies. He was an avid backpacker, fisherman, bird watcher, hiker, and a road racer with three full marathons and countless 12Ks to his credit. His hobbies included photography and woodworking. He was a lifetime Mason from the Helena Lodge.

Dick is survived by his wife Bunny; his son Bob (Christy) and grandsons Russell and Ryan of Boise; his daughter Cyndy of San Diego, his brother Lynn Haines (Bonnie) of Bentonville, Arkansas; and his brother-in-law Ronald Baumann of Somers, New York.

DON HARGROVE

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Don Hargrove on November 29, 2018 at the age of 85.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Don Hargrove be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Don Hargrove was born March 16, 1933 and was raised on a ranch in the Madison Valley. As a child, Don rode his horse to a one-room schoolhouse. He graduated from the ROTC program at Montana State University and rode broncos on their rodeo team. He met his wife Eloise, a pretty schoolteacher, when she asked him for assistance at the Bozeman Hotel where he was working during college. They married on August 20, 1955 and were together for 63 years. They raised three boys, Mark, Daniel and David.

After college Don began a distinguished 30-year career as an Air Force pilot and later commander of a nuclear missile crew during the Cold War. He also served a one-year tour in Vietnam. As a full Colonel, he was the Vice-Wing Commander at Norton Air Force Base in California. His final Air Force assignment was as the U.S. Defense Attache in La Paz, Bolivia. The next five years were spent in Bogota, Columbia, where Don worked in narcotics enforcement for the U.S. State Department. After 34 years outside Montana, Don and Eloise returned home where he served for eight years as a State Senator in the Montana legislature and several years on the Montana State Parole Board.

Don's last will and testament says, "I wish to tell my wife, my sons, my daughters-in-law and my grandchildren that I have never known anyone who had a richer or fuller life than I had, no matter how long it shall continue from this day."

Don was preceded in death by his beautiful wife Eloise, who died just 14 days before him. His obituary notes that Don was a true gentleman and loving husband to the end, waiting for his wife to enter heaven first. He is survived by his three sons, three daughters-in-law, eight grandchildren, eight great-grandchildren, and one sister-in-law and her family, who all brought great joy to his life.

ROYAL CALVIN JOHNSON

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Royal Johnson on November 19, 2018 at the age of 93.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Royal Johnson be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Royal Johnson was born on May 2, 1925 in Hettinger, North Dakota to railroader Holsey and Olive Forsythe Johnson. He lived in a variety of railroad towns, but spent most of his young life in Butte. He served in the U.S. Army during World War II. Royal returned to Montana and enrolled at the University of Montana where he ran track and was given the first-ever varsity letter in skiing. He earned a degree in business administration, met the love of his life, Norma Besinque of Billings and married her in 1950.

While he briefly owned a used car lot, it broke his heart to have to repossess a vehicle, so he settled in as an investment advisor/manager. He was a Freemason and member of the Al Bedoo Shrine, riding in the Black Horse Patrol.

He believed the people of their community were responsible for looking after each other, not the government. His political career began on the city council in Billings. After a failed mayoral bid, he ran unopposed as a Republican and was elected to the House of Representatives in 1991. His tenure in the Legislature spanned both the House and Senate, and his last session was in 2003. John Mercer, one of the Speakers of the House during Royal's tenure, said of Royal: "He was just the ideal citizen legislator. You couldn't get better."

Royal was preceded in death by his brothers, Holsey Johnson Jr. and John Johnson; and his wife, Norma. He leaves his four children, Blake (wife Diane) of Manhattan, New York, Jan Kelly (husband Patrick) of Austin Texas, Clark (wife Cindy) of Manhattan, Montana and Scott of Billings; seven grandchildren, Woody, Louise, Chase, Brooks, Caylin, Paige and Connor; and two great grandchildren, Royal and Crew.

BERVYL C. KIMBERLEY

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Bervyl Charles Kimberley on October 17, 2018 at the age of 89.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Bervyl Kimberley be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Berv Kimberley was born in Waterton, South Dakota on January 13, 1929 to Charles Kimberley and Helen Derby Kimberley. He graduated from Laurel High School where he excelled in sports and then spent 3 years in the Air Force. In 1951 he was drafted into the Army and was sent to Korea for one year. He received several medals during that service. He continued his education after his military service and received an education degree at Rocky Mountain College and a masters' degree in administration from the University of Montana.

Berv married Virginia Harlan on January 2, 1953, and they were married for 63 years. Berv began coaching and teaching in Forsyth, followed by Columbus and Billings West High School. He was exceptionally proud of his two divisional football championships in 1962 and 1963 at Columbus with a record of 16-0. At Billings West Berv coached football and track and was head football coach from 1973-76. He remained friends with many of his players.

Berv was a devoted alumni of Rocky. His days playing football for Rocky were fond memories, and he loved watching football practices and attending games. He was also an avid Grizzly and Bronco fan. He loved to golf and was a 40-year charter member of the Laurel Golf Club. He had many golfing buddies and was still playing the summer before he died.

Berv served in the Montana House of Representatives during the 1989 and 1991 sessions and ran for Lieutenant Governor with Frank Morrison in 1992. He loved being involved in politics and insisted on voting in the 2018 election.

Berv was preceded in death by his parents and his loving wife, Virginia. He is survived by his son Gary Johnson and wife Carole, grandchildren Byron and Kimberley Johnson; and great-grandchildren Nathanial and Laktyn.

ROGER RANCE KNAPP

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Roger Rance Knapp on September 22, 2017 in Billings at the age of 74.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Roger Knapp be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Roger was born on April 23, 1943 to Edgar (Buster) and Frances Knapp of Melstone, Montana. He attended all his school years in Melstone and received a BA degree from Concordia College in Moorhead, Minnesota.

He taught his first year in Kenmore, North Dakota and in 1966 he married Judi Black of Grace City, North Dakota. Roger taught and coached in Belfry, Dodson and Hysham schools.

A historian, both in and out of the classroom, he pursued his political interests by serving in the Montana House of Representatives as a Republican from 1989-1992. He served on the Human Services and Aging Committee and the Judiciary Committee. He also served on his local county commission.

Upon retiring from teaching in 1996 he continued farming and ranching on the family farm south of Melstone and was actively farming at the time of his death. He was a member of Trinity Lutheran Church and the Hysham Lions Club, served on various state and local boards, and was a loyal Green Bay Packers fan.

Roger was preceded in death by his parents, sister Jessie Ryan, niece Judy and stepmother Viola Stewart Knapp. Surviving him are his wife Judy, daughter Rebecca of Ekalaka, son Dana of the Philippines, grandchildren Alissa, Jonathon, Cameron and Sean all of Ekalaka, brother Richard of Dillon, sister Ruth Coulter of Brusett, brother-in-law Jim (and wife Mary) of Jordan, nieces and nephews and members of the Stewart family.

LLOYD D. "SONNY" LOCKREM, JR.

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Lloyd D. "Sonny" Lockrem, Jr. in Billings on May 29, 2018 at the age of 83.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Sonny Lockrem be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Sonny was born November 10, 1934 in Billings, the son of Lloyd and Amy (Frye) Lockrem. He graduated from Billings Senior High School in 1952 and attended Montana State University in Bozeman before entering the Marine Corps where he served during the Korean War until 1956. After returning home he attended Eastern Montana College (MSU-Billings) where he played basketball for the Yellowjackets. He returned to MSU to study civil engineering and then began working for Lockrem Construction, a general contracting company started by his father. He remained at the business until 1985 where he served as president and owner.

He served in the Montana House of Representatives from 1969 to 1976 and the Montana Senate from 1977-1981. He served on the Highways committees in both houses and on Finance and Claims in the Senate. After his time in the Senate Sonny retired in 2007 after nearly 20 years as the plan administration for the Montana Contractors Association's Healthcare and Pension Plan.

One of Sonny's joys in life was spending time with his grandchildren. He was an avid golfer and won a senior club championship at Yegan Golf Club. He also had been a long-time member of the Hilands Golf Club where he and his oldest son Russell won a Hilands Fling championship.

Sonny is survived by his wife Rose, oldest son Russell and daughter-in-law Lynda (McDonald) Lockrem and their children Garrett and Jordan; youngest son Michael, his children Anna and Ryan and their mother Kimberly (Miller) Lockrem; sister Patricia Fiala, a brother Larry (Mariliyn) Lockrem, and many nieces and nephews.

JOHN DANIEL ("J.D.") LYNCH

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of John D. "J.D." Lynch on July 24, 2018 at the age of 71.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late J.D. Lynch be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

J.D. was born in Butte on September 17, 1947 to Leo and Queenie Lynch. He said he was born six months before and six months after St. Patrick's Day. He lived his entire life on West Mercury Street. After graduating from Boys Central High School and Western Montana College, he became a teacher working for the Butte school district. In 1983 he married Shannon Crawford, and they raised two daughters, Kaitlin and Jennifer.

It seemed, even in high school, that J.D. was destined for politics. His friends called him "Governor." On the night of the biggest football game of the year, Boys Central vs. Butte High School, he handed out John F. Kennedy campaign cards to the people going in and out of the game. He ran for the legislature in 1970 at age 22 … and won. He was the youngest person ever elected out of Silver Bow County. He served in the House of Representatives from 1971-1978 and in the Senate from 1982 to 2000, 29 years. He said later that he was proud to represent Butte and wanted to do a good job, to make his family and all the people who supported him proud. After leaving the legislature he spent sessions lobbying.

J. D. was preceded in death by his parents; his brother Leo, and his loving wife Shannon. He is survived by his daughters, Kaitlin (Jesse) Fletcher and Jennifer Lynch; his grandchildren, Sophie, Kieran and Delanie Fletcher; his sisters, Ann Walsh and Mary McGee; and numerous nieces and nephews.

WILLIS "GORDON" McOMBER

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Willis "Gordon" McOmber on August 24, 2018 in Great Falls at the age of 98.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Gordon McOmber be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Gordon was born October 2, 1919 in Magrath, Alberta, Canada of American-born parents, Marshall P McOmber and Alice Laverne Winegar. The family later lived in Cascade and the Fairfield area. In 1941 he married Marian Corbett, and they had three children. Marian passed away in 1965, and in 1980 Gordon married Jean Handel who worked for Gov. Tom Judge.

Gordon graduated from Power High School in 1938 and soon started farming. In 1951 he purchased three homesteads west of Fairfield, which he added to the family farm that was owned by the family until recently. He was a Pacific Navy veteran of World War II.

Gordon served 11 sessions in the Montana Legislature in both the House and Senate. He was the first Montanan elected as Senate President by his peers under the provisions of the 1972 Montana Constitution. He served as President of the Senate for three sessions until he was named Director of Montana's Department of Agriculture by Gov. Tom Judge and later by Gov. Ted Schwinden. He also served on the Water Law Revision Council which drafted Montana's resent water law. He put off retirement for a year when he was appointed Lieutenant Governor by Governor Ted Schwinden to finish the term of Lieutenant George Turman, who resigned. His main responsibility was to organize and direct the State's Centennial Birthday celebration.

Gordon was preceded in death by his wives Marian Corbett and Jean Handel; his brothers Calvin, LaVar, Claude; his sister Josephine; and his son Gene. His son Dennis passed away recently. He is survived by his daughter Sandra Taylor, 9 grandchildren, 26 great-grandchildren and 2 great-great-grandchildren.

ARNOLD "ARNIE" MOHL

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Arnold "Arnie" Mohl on September 1, 2017 in Columbia Falls.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Arnie Mohl be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Arnie Mohl was born in Beulah, North Dakota, on August 27, 1936, the 13th of 14 children. After graduating from high school in Zap, North Dakota, he served on active duty with the U.S. Army for two years and in the reserves for four years. He completed two years of college and started a career with the Montana Department of Transportation before going into the paving business. In 1986 he started A-1 Paving with his son Kevin.

Arnie, a lifelong Republican, served as a State Senator from 1994 through 2002. He used his background with the Montana Department of Highways as a member and chairman of the Senate Transportation Committee. Arnie said the legislation he was most proud of was his 1999 bill to create a speed limit in Montana, when Montana was the only state without a daytime highway speed limit. He said that people would be comfortable knowing what the speed limit was, since they never knew how fast they could go without getting a ticket.

He served in several positions with the Montana Contractors Association board and in 2012 received the Life Time Achievement award from the MCA for his outstanding contributions to the construction industry. He was a member of Bethany Lutheran Church and the Elks Lodge.

Arnie was preceded in death by his parents and nine siblings. He is survived by his wife Margaret, his son Kevin and wife Shari of Sulphur Springs, Texas and their children CJ (wife Lizzy) and Kaycee; son David and wife Stacey of Kalispell and their children Haiden, Keatin and Kynzie; and great grandchildren Maverick, Leighton and Paisley. Arnie is also survived by four sisters and numerous nieces and nephews.

GLENN MUELLER

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Glenn Mueller on March 2, 2018 at the age of 100. Glenn had celebrated his 100th birthday two weeks before his death. After the party he said, "I made 100. I can go now."*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Glenn Mueller be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Glenn was born on February 18, 1918 in Lewistown to Josephine Cook Mueller and Oscar O. Mueller. He grew up exploring the countryside and developed a lifelong love of the natural world. He attended the University of Montana where he majored in forestry and spent three summers working as a lookout in the Bob Marshall Wilderness Area. He served with the Army in Europe during World War II.

After the war he began his work for the U.S. Soil Conservation Services. After transferring to Malta, he met and married Helen Weinmeister, the home economics teacher at Malta High School. In 1956 he accepted a position as assistant ranger and then as district ranger in the Beartooth Mountains. In 1962 he became the lands and recreation staffer for the Kootenai National Forest in Libby, where he lived for the next 50 years. He was elected to the Montana House of Representatives and served two terms in this chamber, 1981 and 1983.

When he was 93 years old Glenn went on his last backpacking trip. When camping with Glenn, friends could count on him getting up early to build the fire, heat the water and cook breakfast. No matter how early they arose, he was already up and ready to greet them with a friendly "Good afternoon." An account of his many years of hiking in Glacier National Park is included in the book Glacier from the Inside Out.

Glenn was preceded in death by his parents, a great-granddaughter, Libby Kosterlitzsky, his wife Helen and his brother George. He is survived by three daughters: Glenda Christenson (husband Tim), Sally Opper (husband Richard), Ruth Poli (husband Daniel); 10 grandchildren, five great-grandchildren, and many nieces and nephews and their families.

JEAN LOUISE PRICE

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Jean Louise Price on March 25, 2019 at the age of 75.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Jean Price be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Jean Price was born to Eewaldt and Matilda Langenheder on September 13, 1943 in Grand Island, Nebraska. She graduated from Hastings College with a B.A. in Art in 1965 and from Fort Hays State College with a masters' degree in sculpture. She taught art in Kansas, Oregon, and Montana for 34 years and then at the University of Great Falls for several years. In 1984 she took a sabbatical to attain her masters' in fine arts in fiber arts at Southern Illinois University.

Jean loved art. She started the Urban Art Project and coordinated art showings several times a year. She donated a large portion of her art collection for the world to see and enjoy. She was an avid hiker, biker, skier and kayaker.

Jean was elected to the Montana House of Representatives in 2010 and served 4 terms. She was extremely proud of her bill that provided grants for towns to acquire handicapped-accessible equipment for playgrounds. She served on an interim education committee where she fought to ensure that strong arts programs, services for students with special needs including the gifted and talented, and opportunities linked to greater student success were protected and expanded.

Jean was preceded in death by her parents and her sister Carol. She is survived by her daughter Darci Trimmer and her daughter-in-law Linda Copper.

PAUL RINGLING

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Paul Ringling on March 7, 2018 in Miles City at the age of 99.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Paul Ringling be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Paul was born in New York City in 1920 to Richard T. Ringling and Aubrey Black Ringling, part owners of the Ringling Brothers and Barnum Bailey Circus. Although they were traveling with the circus in New York when Paul was born, the family had deep connections to Montana. Paul's great-great uncle was the last territorial governor of Montana. Paul's home was always in White Sulphur Springs where the family owned a ranch and dairy.

After graduating from high school Paul worked from 1937-1941 with the circus selling tickets, helping set up tents and working in advertising. He married Althea Shearer, a White Sulphur Springs girl, and they both traveled with the circus. In 1941 Paul left the circus and from 1942 to 1945 served in World War II, working in North Africa with a signal corps and then in Italy as a high-speed radio operator in counter-intelligence detecting codes used by the German army.

Paul studied agriculture at Montana State on the G.I. bill and then began his life ranching. He operated ranches near Springdale and near Ekalaka. Paul was a range manager and top producer of Angus cattle. He lived at the ranch and in Miles City until his death.

Paul served in the Montana House of Representatives during the 1953 and 1955 sessions and in the Montana Senate in 1957 and 1959. He was also a cofounder of the Montana Quarter Horse Association.

With roots in circus life and ranch life, Paul lived a storied life as a true gentleman. He was preceded in death by his parents and his wife Althea to whom he was married for 65 years. He is survived by his children Rick, Rock and wife Bobbi Uecker, and Ann; and three grandsons, Matthew Pierce and Joe and Rick Ringling.

WALTER SALES

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Walter Sales on February 7, 2018 at the age of 90.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Walter Sales be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Walter Sales was born in New England, North Dakota, on August 15, 1927. He attended Baker Creek School and Manhattan High School, then Purdue University, Montana State College and the University of Montana. In 1952 he joined the U.S. Army and was stationed in Germany during the Korean War, after which he moved to San Diego to work in real estate. After a night out, Walter would make deep fried eggs for friends, including Ted Geisel (Dr. Seuss).

Walter moved back to Bozeman to become assistant city manager, where Shirley, a deputy clerk at the courthouse, saw him drive up in the cutest Thunderbird. Walter asked her, "Wouldn't you like to go out with me?" She did, and they were married on June 3, 1956. In 1956, after ten years as the city manager for Clarinda, Iowa, Walter and his family moved back to the Sales Ranch where he served as county commissioner for seven years.

In 1978 Walter was ready to follow in the footsteps of his father and grandfather and served in the Montana House of Representatives for five sessions, from 1979 through 1987. He was on the Local Government, State Administration and Natural Resource committees. He never thought of himself as a politician but rather as a public servant. Walter was preceded in death by his parents, wife and a newborn son. His survivors include children Stacy (and Scott) Springer, Vicki (and Dennis) Olson, Walt (and LaRae) Sales, Sabrina (and Andrew) Kennedy, Heidi (and Rick) Braaksma; grandchildren Melissa (and Travis) Stuber, Dennis Olson, Wally (and Lisa) Sales, Justine (and Ryan) Van Dyke, Conni (and John) Mahoney, Rob (and Brittany) Braaksma, Darren Braaksma, Kyle Springer, and six great-grandchildren.

CLARICE BRANGER SCHRUMPF SOUTHWORTH

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Clarice Branger Schrumpf Southworth on January 16, 2018 at the age of 84.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Clarice Branger Schrumpf Southworth be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Clarice was born on May 8, 1933 to Chris and Nellie (Wigen) Branger at the Tee-O-Bar Ranch, a cattle, horse and dude ranch at Roscoe, Montana on the East Rosebud River. She married Frank Schrumpf when he returned from the Korean War. They raised four children and later divorced.

She graduated from Red Lodge High School and received a bachelors in elementary education and music and a masters in early childhood education from Montana State University in Bozeman. She taught first grade for 32 years and received the Apple Award for teaching excellence in 1997. Clarice taught piano and played for events in the Yellowstone Valley.

Clarice was a member of the Montana House of Representatives during the 2001 and 2003 legislative sessions. When Clarice became the choir director and accompanist for the legislature's "Capitol Harmony" choir, she was appalled at the old upright piano stored in the basement of the Capitol. She set about to resolve that problem by soliciting donations for a new piano. This piano is on the floor today with a plaque that she placed on the piano.

She is survived by her husband, James O. Southworth; her children, Barbara (Rod Boettcher), Peter Schrumpf, Dr. Philip Schrumpf; and grandson Jason Schrumpf.

GARY L. SPAETH

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Gary L. Spaeth in Helena on October 24, 2018 at the age of 73.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Gary Spaeth be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Gary Spaeth was born in Billings on January 13, 1945, the oldest son of Alfred and Lucy Jane Spaeth of Silesia. He received his BA degree from Montana State University in Bozeman and then his law degree from the University of Montana. Gary attended Army Engineering Officer's Candidate School and was commissioned in the Military Intelligence Branch.

He moved to Helena in 1974 and lived there intermittently. He was Assistant Chief Counsel for the State Auditor's Office and for the Department of Natural Resources and Conservation.
He was the chairman of the Helena Citizens Council, chairman of the Lewis & Clark Fair Foundation, and chairman for three years of the Lewis and Clark Humane Society.

Gary served four terms in the House of Representatives where he was the Appropriations Chairman and Majority Whip.

After retirement he worked as a lobbyist for a number of principals.

He was preceded in death by his father and mother, life partner Kenneth "Skip" Kildore as well as many extended family members. He is survived by his brother Leon Spaeth and his two nieces: Erin Spaeth (and husband Matt) Kalanick and Elyssa Spaeth (and husband Troy) Wassmann; one great nephew Kern Michael Kalanick; and his dogs Zippy and George.

DURWARD C. "BUTCH" WADDILL

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Durward C. "Butch" Waddill in Florence on October 9, 2018 at the age of 71.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Butch Waddill be filed on the official records of this Assembly, and the following facts relative to his career are hereby noted.*

Butch Waddill was born on November 20, 1946 in Battle Creek Michigan, and came to Montana in 1997. He graduated from Castro Valley High School in California and attended college in California and Colorado. He retired from the U.S. Marine Corps.

A fellow Marine remembers the day in November of 1967 that Butch Waddill saved five lives. "I was crying while I was flying," said the pilot of the helicopter that lowered Marine Sgt. Waddill by cable into the deep canopy of a Vietnam jungle, with so much flak flying there seemed little hope he would come back up alive. Butch sent three wounded fellow Marines, a Navy corpsman and a South Vietnamese scout back up, which left no room for Butch. The pilot added, "The thing is, they couldn't get themselves into the hoist. They were too injured. He tied them onto the hoist with his belt and their belts and whatever. If he hadn't gone down there, every one of those guys would have died."

Left alone in the jungle, Butch gathered up the rifles and radios and hoped that the helicopter would return for him before nightfall. It did. Butch, dragged through heavy underbrush for hundreds of yards, finally climbed into the chopper bloodied and injured. Over 47 years later Sen. Jon Tester pinned a Silver Star Medal on Butch Wadddill.

Butch served during the 2001 session in the Montana House of Representatives.

Butch is survived by his wife Cathy and their four children: Jaclyn, Matt, Jean-Jacques and Cameron.

MIGNON WATERMAN

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Mignon Waterman on April 6, 2017 at the age of 73.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Mignon Waterman be filed on the official records of this Assembly, and the following facts relative to her career are hereby noted.*

Mignon Redfield Waterman was born October 13, 1944 to Mable and Zell Redfield in Billings. She was the fifth child, joining three brothers and a sister. After graduating from Billings West High School in 1963, Mignon attended the University of Montana, where she met Ron Waterman. They were married in 1965 and worked as janitors while Ron completed law school. They moved back to Billings but after a year moved to Helena where Mignon became active in community affairs. Mignon and Ron were married for nearly 52 years.

She served on the Helena school board for 12 years, chaired the board, and served as president of the Montana School Boards Association. In 1989 Mignon was elected to the Montana Senate where she served for 12 years. She continued her focus on education and mental health issues, as well as the needs of senior citizens. A prized accomplishment was being appointed one of the first seven trustees and serving on the Montana Health Care Foundation until her death.

Mignon loved to cook and quilt. At the age of 15 she won the Montana State Cherry Pie contest. Family and friends felt blessed to receive her intricate and beautiful quits in celebration of a wedding or newborn baby.

Mignon was preceded in death by her parents, Mable and Zell Redfield, her brothers Ron and Walt, and her niece Pat. She is survived by her husband Ron, her sons Briar of Seattle and Kyle of Kalispell, and their partners Teresa Goepfert and Steve Hunnell; grandchildren Elliot and Adelaide; brother Darrel Young of Great Falls, her sister Pearl Scott of Billings and numerous nieces and nephews.

THOMAS FREDERICK ZOOK

WHEREAS, *it is with deep and sincere sorrow that the members of the Sixty-Sixth Legislative Assembly of the State of Montana record the passing of Thomas Frederick Zook on January 23, 2018 in Billings at the age of 85.*

WHEREAS, *it is fitting and proper that the record and accomplishments of the late Tom Zook be filed on the official records of this Assembly, and the following facts relative to his*
career are hereby noted.

Tom Zook was born in Miles City on January 29, 1932 to Fritz and Maretta Zook. A rambunctious boy, he became ambidextrous after running his right arm through the wringer washing machine. He went to a one-room school and graduated from Custer County High School in 1950. He was captain of his football team and all-state at quarterback and linebacker. Known for a wicked curve ball, he was the leading pitcher in 1949 American Legion baseball.

After a stint in the Navy Tom returned to the ranch and married Isabel (Tootie) Cameron on April 15, 1958. The Zooks had seven children, and Tom was pleased when they all earned college degrees, something he did not have the opportunity to do. Having taught himself to play the guitar on a Gibson guitar given to him by his aunt and sister, he played at country dances; and his children remember going to sleep at night to the sounds of their dad's guitar.

From 1989 through 2003, Tom served eight sessions in the legislature. This was highlighted by serving as Chairman of both the House Appropriations Committee and the Senate Finance and Claims Committee. He was respected for his leadership, diplomacy and integrity.

Tom was preceded in death by his parents, sister Margaret, brother Johnnie, and grandson Zane Hauptman. His wife Tootie died recently. He is survived by his brother Bill and children Janet Hauptman, Fritz Zook, Laura Boyce, Jeannie Etchemendy, Audrey Lackman, Thelma Green and Andy Zook; his grandchildren Blake, Ben, Ross, Casey, Jessie, Clay, Elisa, Pierre, Ty, Todd, Joe, Kendall, T.J., Sage and Ian; and great-grandchildren Oliver, Lawrence and Charleslee.

SENATE JOURNAL
66TH LEGISLATURE
EIGHTIETH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 16, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Welborn. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/16/2019
Correctly printed: **SJ 23**, **HB 21**, **HB 311**, **HB 355**, **HB 389**, **HB 411**, **HB 423**, **HB 431**, **HB 432**, **HB 467**, **HB 532**, **HB 607**, **HB 632**, **HB 660**, **HB 661**, **HB 670**, **HB 715**, **HB 717**, **HB 719**, **HB 748**, **HB 751**, **HB 756**, **HB 757**.
Correctly enrolled: **SB 8**, **SB 12**, **SB 43**, **SB 49**, **SB 67**, **SB 74**, **SB 92**, **SB 111**, **SB 147**, **SB 158**, **SB 160**, **SB 162**, **SB 167**, **SB 171**, **SB 176**, **SB 178**, **SB 200**, **SB 205**, **SB 232**, **SB 240**, **SB 244**, **SB 254**, **SB 256**, **SB 257**, **SB 258**, **SB 262**, **SB 269**, **SB 286**, **SB 289**, **SB 291**, **SB 296**, **SB 300**, **SB 317**, **SB 318**, **SB 319**, **SB 326**, **SB 328**, **SB 335**, **SB 337**, **SB 344**, **SB 351**, **SB 353**, **SB 362**, **SJ 13**.
Transmitted to the House: **SJ 23**, **HB 21**, **HB 52**, **HB 311**, **HB 355**, **HB 389**, **HB 411**, **HB 423**, **HB 431**, **HB 432**, **HB 439**, **HB 467**, **HB 515**, **HB 525**, **HB 532**, **HB 555**, **HB 597**, **HB 607**, **HB 626**, **HB 632**, **HB 636**, **HB 640**, **HB 656**, **HB 658**, **HB 660**, **HB 661**, **HB 670**, **HB 676**, **HB 680**, **HB 696**, **HB 715**, **HB 717**, **HB 719**, **HB 723**, **HB 727**, **HB 732**, **HB 735**, **HB 748**, **HB 751**, **HB 756**, **HB 757**, **HB 776**.
Signed by the Secretary of the Senate at 11:00 a.m., April 8, 2019: **SB 5**, **SB 41**, **SB 48**, **SB 81**, **SB 140**, **SB 151**, **SB 154**, **SB 191**.
Signed by the Secretary of the Senate at 4:25 p.m., April 10, 2019: **SB 90**, **SB 192**, **SB 220**, **SB 231**, **SB 285**.
Signed by the President at 4:50 p.m., April 15, 2019: **SB 5**, **SB 41**, **SB 48**, **SB 81**, **SB 140**, **SB 151**, **SB 154**, **SB 191**.
Signed by the President at 11:00 a.m., April 16, 2019: **SB 90**, **SB 192**, **SB 220**, **SB 231**, **SB 285**.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/15/2019
SR 53, be adopted.

Without objection, the committee report was adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 93**
Report No. 001, April 15, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 93** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 93** (reference copy -- salmon) be amended as follows:

1. Page 2, line 1 through line 2.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

2. Page 2, line 13.
Strike: "OWNED" through "UTILITY" on line 13
Insert: "not consumed on the premises of the solar facility or on land immediately adjacent to the premises of the solar facility"

3. Page 4, line 15.
Strike: "AND"

4. Page 4, line 16.
Following: "~~capacity~~"
Insert: ", and has less than 25 megawatts in nameplate capacity"

5. Page 4, line 17.
Strike: "AND"
Following: "facility"
Insert: ", and has less than 2 megawatts in nameplate capacity"

For the Senate:
Richmond, Chair
Cuffe
Vuckovich

For the House:
Zolnikov, Vice Chair
Pope
Skees

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 139**
Report No. 001, April 15, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 139**

(reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 139** (reference copy -- salmon) be amended as follows:

1. Page 2, line 19 through line 21.
Strike: "IS" on line 19 through "MEMBER" on line 21
Insert: "employs a retired member and is a second-class or third-class elementary district under 20-6-201 or a second-class or third-class high school district under 20-6-301"

For the Senate:
Lang, Chair
McConnell
Salomon

For the House:
Berglee, Vice Chair
Fuller
Funk

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 54**
Report No. 001, April 15, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 54** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 54** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.
Following: "~~AND~~"
Strike: "SECTION"
Insert: "SECTIONS 44-2-502 AND"

2. Page 1, line 12.
Following: "~~**intent**~~"
Insert: "**-- legislative intent**"

3. Page 2, line 17.
Following: line 17
Insert: "Section 2. Section 44-2-502, MCA, is amended to read:
"44-2-502. Definitions. (1) As used in this part, the following definitions apply:
~~(1)~~(a) "Missing child" means any person who has been reported as missing to a law enforcement authority and:
~~(a)~~(i) who is under 21 years of age;
~~(b)~~(ii) whose temporary or permanent residence is in Montana or is believed to be in Montana; and
~~(c)~~(iii) whose location has not been determined.
~~(2)~~(b) "Missing child report" means a report prepared on a form designed by the

department of justice for use by private citizens and law enforcement authorities to report information about missing children to the missing children information program provided for in 44-2-503.

(2) The legislature intends the phrase "law enforcement authority" to be interpreted broadly in this part as inclusive of local, state, tribal, and federal authorities.""

Renumber: subsequent sections

For the Senate:
K. Regier, Chair
Gross
Hinebauch

For the House:
Stewart Peregoy, Vice Chair
Doane
Dunn

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 260**
Report No. 001, April 16, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 260** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 260** (reference copy -- salmon) be amended as follows:

1. Page 3, line 11.
Strike: "$10,000"
Insert: "$12,501"

For the Senate:
D. Brown, Chair
Kary
F. Smith

For the House:
Kassmier, Vice Chair
Garner
Hayman

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 599**
Report No. 001, April 15, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 599** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 599** (reference copy -- salmon) be amended as follows:

1. Page 1, line 28 through line 29.
Strike: "LOCATED" on line 28 through "AND" on line 29

2. Page 6, line 22.
Strike: "2021"
Insert: "2023"

For the Senate:
Olszewski, Chair
McClafferty
Small

For the House:
Windy Boy, Vice Chair
Buttrey
W. Sales

Without objection, select committee reports were adopted.

MESSAGES FROM THE GOVERNOR

Regarding appointments to the Board of Aeronautics, the Board of Architects and Landscape Architects, the Board of Barbers and Cosmetologists, the Board of Crime Control, the Board of Horseracing, the Board of Livestock Loss, the Board of Medical Examiners, the Montana Public Safety Officer Standards and Training Council, the State Compensation Fund Board of Directors, and the Board of Veterans' Affairs:

April 12, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the included list of board, council, and commission appointments for confirmation.

I have included the appropriate statutes and appointees' resumes, biography or other qualification documentation for your consideration.

Stacey Otterstrom, my Boards and Appointments Advisor is available as these appointments move through the confirmation process. She can be reached at (406) 444-4405 or by email at sotterstrom@mt.gov.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills passed and transmitted to the Senate for concurrence: 4/15/2019

SB 74, introduced by G. Vuckovich
SB 328, introduced by T. Richmond
SB 335, introduced by S. Fitzpatrick
SB 337, introduced by J. Welborn
SB 362, introduced by M. Lang

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/15/2019

SB 32, introduced by J. Sesso
SB 330, introduced by M. Blasdel
SB 358, introduced by T. Gauthier

SB 134 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 134:**

4/15/2019

Representative Mandeville, Vice Chair
Representative Hayman
Representative P. Webb

Senate amendments to House bills concurred in: 4/15/2019

HB 286, introduced by A. Redfield
HB 553, introduced by F. Moore

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 56, introduced by D. Brown, referred to State Administration.
SR 57, introduced by K. Regier, referred to Judiciary.
SR 58, introduced by B. Hoven, referred to Agriculture, Livestock and Irrigation.
SR 59, introduced by D. Howard, referred to Public Health, Welfare and Safety.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 21 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 37

Nays: Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Smith C, Tempel, Vance, Webb, Mr President.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 311 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Brown, Cuffe, Hoven.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 355 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Regier, Richmond,

Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber.
Total 38

Nays: Blasdel, Bogner, Brown, Esp, Keenan, Osmundson, Pomnichowski, Smith C, Vance, Webb, Welborn, Mr President.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 389 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Esp, Keenan, Malek, Vance.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 411 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 44

Nays: Brown, Fielder, Howard, Lang, Richmond, Webb.

Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 423 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 43

Nays: Esp, Hoven, Keenan, Olszewski, Phillips, Regier, Webb.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 431 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 36

Nays: Barrett, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Regier, Smith C, Vance, Mr President.
Total 14

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 432 concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 41

Nays: Barrett, Cuffe, Kary, Keenan, Lang, Olszewski, Smith F, Tempel, Webb.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 467 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber.
Total 32

Nays: Blasdel, Bogner, Brown, Cuffe, Esp, Fielder, Kary, Keenan, Lang, Olszewski, Osmundson, Richmond, Smith C, Tempel, Vance, Webb, Welborn, Mr President.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 532 concurred in as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 597 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, MacDonald, McClafferty, McConnell, McNally, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 39

Nays: Brown, Cuffe, Ellis, Fielder, Hinebauch, Keenan, Lang, Malek, Olszewski, Phillips, Pomnichowski.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 607 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski,

Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 626 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 29

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 632 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 640 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Thomas, Vance, Webb, Mr President.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 660 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 661 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Howard, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Hoven, Jacobson, Kary, Keenan, Olszewski, Pomnichowski, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 670 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier,

Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 37

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Smith C, Vance, Mr President.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 715 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber.
Total 32

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Smith C, Vance, Webb, Welborn, Mr President.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 717 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Hinebauch, Kary, Keenan.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 719 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 40

Nays: Ellsworth, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Regier, Smith C, Mr President.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 723 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 41

Nays: Brown, Esp, Fielder, Hinebauch, Kary, Keenan, Malek, Osmundson, Welborn.
Total 9

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 727 concurred in as follows:

Yeas: Ankney, Barrett, Blasdel, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Kary, McClafferty, McConnell, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 27

Nays: Bennett, Bogner, Boland, Brown, Cuffe, Esp, Fielder, Hinebauch, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Smith C, Tempel, Thomas, Webb.
Total 23

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 732 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 31

Nays: Bogner, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Webb, Mr President.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 748 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn.
Total 40

Nays: Cuffe, Ellsworth, Fielder, Hinebauch, Howard, Kary, Keenan, Regier, Webb, Mr President.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 751 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 27

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 23

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 756 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn.

Total 39

Nays: Cuffe, Ellsworth, Fielder, Hinebauch, Kary, Keenan, Lang, Regier, Smith C, Webb, Mr President.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 757 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 33

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Vance, Webb, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 23 passed as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 31

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olszewski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 280 - Senator Jacobson moved **HB 280** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 35

Nays: Barrett, Bennett, Boland, Ellis, Flowers, Gross, MacDonald, Malek, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Webber.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 293 - Senator Malek moved **HB 293** be concurred in. Motion carried as follows:

Yeas: Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber.
Total 26

Nays: Ankney, Barrett, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie,

Hinebauch, Hoven, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Tempel, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 341 - Senator Cuffe moved **HB 341** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 43

Nays: Brown, Ellsworth, Esp, Hinebauch, Keenan, Osmundson, Vance.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 407 - Senator Jacobson moved **HB 407** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 35

Nays: Barrett, Bennett, Boland, Ellis, Flowers, Gross, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Webber.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 443 - Senator Lang moved **HB 443** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 34

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Kary, Keenan, Osmundson, Regier, Smith C, Vance, Mr President.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 507 - Senator Blasdel moved **HB 507** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Flowers, Gross, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Vuckovich, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 652 - Majority Leader Thomas moved consideration of **HB 652** be passed for the day. Without objection, so ordered.

HB 608 - Senator Flowers moved **HB 608** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 725 - Senator Sesso moved **HB 725** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vance, Vuckovich, Webber, Welborn.
Total 32

Nays: Barrett, Brown, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, Olszewski, Osmundson, Smith C, Tempel, Thomas, Webb, Mr President.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 726 - Senator Sands moved **HB 726** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Brown, Hinebauch, Howard, Kary, Regier.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 731 - Senator Blasdel moved **HB 731** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Cuffe, Pomnichowski.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 745 - Senator Sands moved **HB 745** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 40

Nays: Cuffe, Esp, Hinebauch, Kary, Keenan, Olszewski, Salomon, Smith C, Vance, Mr President.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 749 - Senator Gross moved **HB 749** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn, Mr President.
Total 39

Nays: Brown, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Vance, Webb.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 753 - Senator C. Smith moved **HB 753** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich,

Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 763 - Senator Fielder moved **HB 763** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Ellsworth, Hinebauch, Regier, Vance, Mr President.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 24 - Senator D. Brown moved **SJ 24** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Barrett, Gross, Salomon, Vuckovich.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 50 - Senator Welborn moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 50**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 52 - Majority Leader Thomas moved consideration of **SR 52** be passed for the day. Without objection, so ordered.

SR 54 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 54**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Olszewski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn.
Total 44

Nays: Barrett, Bogner, Keenan, Smith C, Webb, Mr President.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, April 17, 2019, the eighty-first legislative day. Motion carried.

Senate adjourned at 2:47 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
EIGHTY-FIRST LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 17, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Regier. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/17/2019
Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the seventy-first through seventy-fifth legislative days, find the same to be correct.

Correctly printed: **SJ 24**, **SR 53**, **SR 56**, **SR 57**, **SR 58**, **SR 59**, **HB 280**, **HB 293**, **HB 341**, **HB 407**, **HB 443**, **HB 507**, **HB 608**, **HB 725**, **HB 726**, **HB 731**, **HB 745**, **HB 749**, **HB 753**, **HB 763**.
Correctly engrossed: **SJ 28**.
Correctly enrolled: **SB 24**, **SB 51**, **SB 225**, **SB 321**, **SB 324**, **SB 329**, **SB 341**, **SB 354**, **SJ 9**, **SR 50**, **SR 54**.
Examined by the sponsor and found to be correct: **SB 8**, **SB 12**, **SB 43**, **SB 49**, **SB 67**, **SB 74**, **SB 92**, **SB 111**, **SB 147**, **SB 158**, **SB 160**, **SB 162**, **SB 167**, **SB 171**, **SB 176**, **SB 178**, **SB 200**, **SB 205**, **SB 232**, **SB 240**, **SB 244**, **SB 254**, **SB 256**, **SB 257**, **SB 258**, **SB 262**, **SB 269**, **SB 286**, **SB 289**, **SB 291**, **SB 296**, **SB 300**, **SB 317**, **SB 318**, **SB 319**, **SB 326**, **SB 328**, **SB 335**, **SB 337**, **SB 344**, **SB 351**, **SB 353**, **SB 362**, **SJ 9**, **SJ 13**.
Transmitted to the House: **SJ 24**, **HB 280**, **HB 293**, **HB 341**, **HB 407**, **HB 443**, **HB 507**, **HB 608**, **HB 725**, **HB 726**, **HB 731**, **HB 745**, **HB 749**, **HB 753**, **HB 763**.
Signed by the Secretary of the Senate at 4:20 p.m., April 10, 2019: **SB 26**, **SB 40**, **SB 70**, **SB 79**, **SB 124**, **SB 165**, **SB 213**, **SB 218**, **SB 222**, **SB 236**, **SB 255**, **SB 304**, **SB 311**, **SJ 4**, **SJ 6**, **SJ 16**.
Signed by the Secretary of the Senate at 10:10 a.m., April 13, 2019: **SR 36**, **SR 39**, **SR 40**, **SR 41**, **SR 42**, **SR 43**, **SR 46**, **SR 47**, **SR 49**, **SR 51**.
Signed by the Secretary of the Senate at 1:35 p.m., April 13, 2019: **SB 100**.
Signed by the Secretary of the Senate at 2:55 p.m., April 17, 2019: **SB 160**.
Signed by the President at 8:00 a.m., April 16, 2019: **SB 26**, **SB 40**, **SB 70**, **SB 79**, **SB 124**, **SB 165**.
Signed by the President at 3:30 p.m., April 16, 2019: **SB 213**, **SB 218**, **SB 222**, **SB 236**, **SB 255**, **SB 304**, **SB 311**, **SJ 4**, **SJ 6**, **SJ 16**.
Signed by the President at 5:00 p.m., April 16, 2019: **SR 36**, **SR 39**, **SR 40**, **SR 41**, **SR 42**, **SR 43**, **SR 46**, **SR 47**, **SR 49**, **SR 51**.
Signed by the President at 4:00 p.m., April 16, 2019: **SB 100**.
Signed by the President at 3:00 p.m., April 17, 2019: **SB 160**.
Signed by the Speaker at 3:20 p.m., April 17, 2019: **SB 160**.
Delivered to the Governor at 3:40 p.m., April 17, 2019: **SB 160**.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 4/16/2019
SR 55, be adopted.
HJ 29, be concurred in.

FISH AND GAME (Fielder, Chair): 4/16/2019
SJ 30, do pass.

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/16/2019
SJ 28, introduced joint resolution, be amended as follows:

1. Page 1, following line 28.
Insert: "(3) gather and analyze data regarding the availability, use, and safety of adaptive driving equipment and adaptive technologies used to assist people with disabilities with driving, including the legal and regulatory frameworks that have been adopted by other states;"
Renumber: subsequent subsections

And, as amended, do pass.

HJ 34, be concurred in.
HJ 45, be concurred in.

JUDICIARY (Regier, Chair): 4/17/2019
HJ 31, be concurred in.
HJ 36, be concurred in.
HJ 43, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 299**
Report No. 001, April 17, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 299** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 299** (reference copy -- salmon) be amended as follows:

1. Page 2, line 11.
Following: line 10

Insert: "(b) the economic benefit to the local community and the project developer;"
Renumber: subsequent subsections

2. Page 5, line 3.
Strike: "APPROVE"
Insert: "act upon"
Following: "76-22-111"
Insert: "with a goal of no net loss of habitat and a net gain preferred"

For the Senate:
Lang, Chair
Jacobson
Richmond

For the House:
White, Vice Chair
Z. Brown
R. Knudsen

FREE CONFERENCE COMMITTEE
on **House Bill 172**
Report No. 001, April 17, 2019

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 172** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 172** (reference copy -- salmon) be amended as follows:

1. Page 2, line 10 through line 11.
Strike: "ADMINISTRATIVE COSTS" on line 10 through "THIS SECTION." on line 11

2. Page 2, line 12.
Strike: "NONADMINISTRATIVE"

3. Page 3, line 28.
Following: "APPROPRIATION."
Insert: "(1)"

4. Page 4.
Following: line 2
Insert: "(2) The legislature intends that the appropriation in fiscal year 2021 be considered as part of the ongoing base for the next legislative session."

For the Senate:
D. Brown, Chair
Sesso
Vance

For the House:
Bedey, Vice Chair
Garner
Weatherwax

Without objection, select committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 16, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Tuesday, April 16, 2019, I signed the following bills:

Senate Bill 52 -- Sands
Senate Bill 243 -- Ellis

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/16/2019

SB 24, introduced by T. Gauthier
SB 321, introduced by B. Hoven
SB 324, introduced by T. Jacobson
SB 329, introduced by T. Richmond
SB 341, introduced by M. Blasdel
SB 354, introduced by A. Olszewski

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

4/16/2019

SB 30, introduced by J. Gross
SB 114, introduced by J. Gross
SB 125, introduced by S. Fitzpatrick
SB 204, introduced by M. MacDonald
SB 216, introduced by R. Webb
SB 239, introduced by J. Ellsworth
SB 265, introduced by T. Jacobson

SB 266, introduced by M. Blasdel
SB 312, introduced by J. Small
SB 325, introduced by S. Fitzpatrick
SB 343, introduced by T. Richmond
SB 346, introduced by S. Fitzpatrick
SB 352, introduced by F. Thomas
SB 363, introduced by D. Ankney

Senate bill not concurred in and returned to the Senate: 4/16/2019

SB 331, introduced by T. Richmond

House joint resolutions passed and transmitted to the Senate for concurrence: 4/16/2019

HJ 32, introduced by J. Windy Boy
HJ 49, introduced by D. Lenz
HJ 50, introduced by D. Lenz
HJ 51, introduced by Z. Brown

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 60, introduced by G. Vance, referred to Highways and Transportation.
SR 61, introduced by K. Regier, referred to Judiciary.
SR 62, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 63, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 64, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.
SR 65, introduced by S. Fitzpatrick, referred to Business, Labor, and Economic Affairs.

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 32, introduced by J. Windy Boy, referred to Public Health, Welfare and Safety.
HJ 49, introduced by D. Lenz, referred to Judiciary.
HJ 50, introduced by D. Lenz, referred to Public Health, Welfare and Safety.
HJ 51, introduced by Z. Brown, referred to Local Government.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Osmundson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 352 - **House Amendments** - Majority Leader Thomas moved do **not** concur in House amendments to **SB 352**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Osmundson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Bennett excused at this time.

SJ 22 - Senator D. Brown moved **SJ 22** do pass. Motion carried as follows:

Yeas: Blasdel, Bogner, Boland, Brown, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gillespie, Gross, Hoven, Howard, Lang, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 34

Nays: Ankney, Barrett, Cohenour, Cuffe, Esp, Gauthier, Hinebauch, Jacobson, Kary, Keenan, MacDonald, Malek, Pomnichowski, Salomon, Welborn.
Total 15

Paired: None.

Excused: Bennett.
Total 1

Absent or not voting: None.
Total 0

Senator Bennett present at this time.

SR 44 - Senator Ankney moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 44**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally,

Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved to appoint a **Free** Conference Committee on **SB 352** and request the House to appoint a like committee. Motion carried. President Sales appointed:

4/17/2019

Senator Thomas, Chair
Senator Osmundson
Senator Sesso

Senator Sands moved that **HB 710** be taken from the Public Health, Welfare, and Safety Committee and that **HB 710** be placed on second reading this date. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 25

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 25

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Osmundson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 45 - Senator Vance moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 45**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: Keenan.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Keenan assumed the chair.

HB 10 - Senator Osmundson moved **HB 10** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Brown, Vance.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Osmundson reassumed the chair.

HB 421 - Senator K. Regier moved **HB 421** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek,

McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 500 - Senator Fielder moved **HB 500** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 534 - Senator Esp moved **HB 534** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 28

Nays: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 12 - Senator Ankney moved **HJ 12** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Barrett, Bennett, Boland, Ellis, MacDonald, Pomnichowski, Sands, Smith F.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 16 - Senator Sands moved **HJ 16** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 25

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 25

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 16 - Majority Leader Thomas moved **HJ 16** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 35 - Senator R. Webb moved **HJ 35** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Sesso.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 38 - Senator Small moved **HJ 38** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang,

MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Ellsworth, Hinebauch, Howard, Phillips, Pomnichowski, Sesso, Vance, Mr President.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 32 - **House Amendments** - Senator Sesso moved do **not** concur in House amendments to **SB 32**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 47

Nays: Fielder, Howard, Webb.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 44 - **House Amendments** - Senator Cohenour moved House amendments to **SB 44** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 47

Nays: Brown, Howard, Vance.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 55 - **House Amendments** - Senator Salomon moved House amendments to **SB 55** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 60 - **House Amendments** - Senator Salomon moved House amendments to **SB 60** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 76 - **House Amendments** - Senator Hoven moved House amendments to **SB 76** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Malek.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 132 - **House Amendments** - Senator K. Regier moved House amendments to **SB 132** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 201 - **House Amendments** - Senator Ankney moved do **not** concur in House amendments to **SB 201**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Smith F, Vuckovich.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 247 - **House Amendments** - Senator Cohenour moved do **not** concur in House amendments to **SB 247**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Brown, Cuffe, Fielder, Lang, Olszewski, Vance.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 253 - **House Amendments** - Senator C. Smith moved House amendments to **SB 253** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Tempel.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 267 - **House Amendments** - Senator Sands moved House amendments to **SB 267** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Hinebauch, Kary, Lang, Smith C, Vance.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 320 - **House Amendments** - Senator Salomon moved House amendments to **SB 320** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 47

Nays: Cuffe, Fielder, Mr President.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 330 - **House Amendments** - Senator Blasdel moved House amendments to **SB 330** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, MacDonald, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 39

Nays: Brown, Esp, Fielder, Howard, Kary, Keenan, Lang, Malek, Olszewski, Smith C, Tempel.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 333 - **House Amendments** - Senator Cohenour moved House amendments to **SB 333** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 358 - **House Amendments** - Senator Gauthier moved House amendments to **SB 358** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Tempel, Thomas, Vance, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Fielder, Hinebauch, Howard, Keenan, Lang, McClafferty, Phillips, Pomnichowski, Sands, Smith C, Smith F, Vuckovich, Webb, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 365 - **House Amendments** - Senator D. Brown moved House amendments to **SB 365** be

concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Kary.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 16 - **Conference Committee Report No. 1** - Senator Barrett moved the Conference Committee report to **HB 16** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber.
Total 37

Nays: Brown, Esp, Fielder, Fitzpatrick, Howard, Kary, Keenan, Lang, Smith C, Tempel, Vance, Welborn, Mr President.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Kary, Sands.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

HB 684 - The House failed to concur in Senate amendments to **HB 684,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 684:**

4/17/2019

Representative M. Regier, Vice Chair
Representative Glimm
Representative Lynch

HB 715 - The House failed to concur in Senate amendments to **HB 715,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 715:**

4/17/2019

Representative Glimm, Vice Chair
Representative Jones
Representative Lynch

MOTIONS

Majority Leader Thomas moved to appoint a **Free** Conference Committee on **SB 201** and request the House to appoint a like committee. Motion carried. President Sales appointed:

4/17/2019

Senator Ankney, Chair

Senator Cohenour
Senator Richmond

Majority Leader Thomas moved to appoint a Conference Committee on **SB 32** and request the House to appoint a like committee. Motion carried. President Sales appointed:

4/17/2019

Senator Welborn, Chair
Senator Hinebauch
Senator Sesso

Majority Leader Thomas moved to appoint a Conference Committee on **SB 247** and request the House to appoint a like committee. Motion carried. President Sales appointed:

4/17/2019

Senator Fielder, Chair
Senator Cohenour
Senator Hinebauch

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 715**. Motion carried. President Sales appointed:

4/17/2019

Senator Osmundson, Chair
Senator Sesso
Senator C. Smith

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 684**. Motion carried. President Sales appointed:

4/17/2019

Senator Osmundson, Chair
Senator Howard
Senator McConnell

Senator McConnell moved that **HB 217** be taken from the Judiciary Committee and that **HB 217** be placed on second reading this date. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 26

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 24 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Barrett, Gross, Salomon.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 280 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Ellis, Flowers, Gross, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 293 concurred in as follows:

Yeas: Ankney, Bennett, Bogner, Boland, Cohenour, Ellis, Esp, Flowers, Gauthier, Gillespie, Gross, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber.
Total 29

Nays: Barrett, Blasdel, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Vance, Webb, Welborn, Mr President.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 341 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Brown, Esp, Hinebauch, McConnell, Osmundson, Vance.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 407 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Ellis, Flowers, Gross, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 443 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn.
Total 33

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Kary, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 507 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie,

Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, McConnell, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 33

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Flowers, Keenan, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 608 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 48

Nays: Fielder, Webb.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 725 concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vance, Vuckovich, Webb, Webber, Welborn.
Total 34

Nays: Barrett, Brown, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Malek, Olszewski, Osmundson, Smith C, Tempel, Thomas, Mr President.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 726 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Blasdel, Cuffe, Hinebauch, Howard, Regier, Vance, Mr President.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 731 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 745 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 30

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Richmond, Salomon, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 749 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Hinebauch, Howard, Osmundson, Vance.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 753 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 763 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Ellsworth, Hinebauch, Regier, Vance, Mr President.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas and Senator McConnell provided clarification of the status of **HB 217** which will be placed on the following day's second reading agenda.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 9:00 a.m. on Thursday, April 18, 2019, the eighty-first legislative day. Motion carried.

Senate adjourned at 2:55 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
EIGHTY-SECOND LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 18, 2019 — State Capitol

Senate convened at 9:00 a.m. President Sales presiding. Invocation by Senator C. Smith. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/18/2019
Correctly printed: **SJ 22**, **SJ 28**, **SJ 29**, **SJ 30**, **SJ 31**, **SJ 32**, **SJ 33**, **SR 55**, **SR 56**, **SR 58**, **SR 60**, **SR 61**, **SR 62**, **SR 63**, **SR 64**, **SR 65**, **HB 8**, **HB 10**, **HB 217**, **HB 421**, **HB 500**, **HB 534**, **HB 652**, **HB 694**, **HJ 12**, **HJ 29**, **HJ 31**, **HJ 34**, **HJ 35**, **HJ 36**, **HJ 38**, **HJ 39**, **HJ 40**, **HJ 43**, **HJ 45**.
Correctly engrossed: **SJ 20**.
Examined by the sponsor and found to be correct: **SB 24**, **SB 51**, **SB 225**, **SB 321**, **SB 324**, **SB 329**, **SB 341**, **SB 354**, **SR 50**, **SR 54**.
Transmitted to the House: **SJ 22**, **SJ 28**, **HB 8**, **HB 10**, **HB 217**, **HB 421**, **HB 500**, **HB 534**, **HB 652**, **HJ 12**, **HJ 29**, **HJ 31**, **HJ 34**, **HJ 35**, **HJ 36**, **HJ 38**, **HJ 43**, **HJ 45**.
Delivered to the Secretary of State at 1:15 p.m., April 18, 2019: **SR 36**, **SR 39**, **SR 40**, **SR 41**, **SR 42**, **SR 43**, **SR 46**, **SR 47**, **SR 49**, **SR 51**.

Senator Howard informed the Senate that Andee Baker, one of this week's Pages, has recently been selected as a Presidential Career Technical Education Scholar semi-finalist. She is the only girl from a Montana Class C school to have earned this honor.

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Vance, Chair): 4/18/2019
SR 60, be adopted.

NATURAL RESOURCES (Welborn, Chair): 4/17/2019
SJ 20, introduced joint resolution, be amended as follows:

1. Title, page 1, line 6.
Strike: "DISPOSITION"
Insert: "FUTURE MANAGEMENT AND PLANNING"

2. Page 1, line 24 through page 2, line 3.
Strike: page 1, line 24 through page 2, line 3 in their entirety
Insert: "WHEREAS, no legislation has yet been passed by Congress and signed by a president regarding these wilderness study areas despite past attempts to address the issue; and"

3. Page 2, line 5.

Following: "resources"
Insert: ", including timber harvest, grazing management, stewardship contracts, and conservation designations and management"

4. Page 2.
Following: line 5
Insert: "WHEREAS, 40 years of legal uncertainty have resulted in untenable conflicts between various user groups, a lack of forest management, decreasing livestock use, reduced motorized opportunities, and decreased funding for noxious weed management; and"

5. Page 2, line 20 through line 21.
Strike: line 20 through line 21 in their entirety
Insert: "WHEREAS, Montanans have a long history of working together to find common ground on contentious issues related to natural resource management and planning; and

WHEREAS, Montanans have expressed a deep desire to develop and enact sensible legislation for Montana's public lands and wilderness study areas that meet a variety of diverse interests and produce mutual benefits."

6. Page 2, line 28.
Strike: "a forum"
Insert: "public forums"

7. Page 5.
Following: line 29
Insert: "BE IT FURTHER RESOLVED, that the committee learn about different stakeholder working groups and agency planning processes addressing this issue to better inform their decisions."

And, as amended, do pass.

HJ 40, be concurred in.

STATE ADMINISTRATION (Brown, Chair): 4/17/2019
SJ 29, do pass.
SJ 32, do pass.
SR 56, be adopted.
HJ 39, be concurred in.

Without objection, committee reports were adopted.

MESSAGES FROM THE GOVERNOR

April 17, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Wednesday, April 17, 2019, I signed the following bills:

Senate Bill 1 -- Malek
Senate Bill 3 -- Gross
Senate Bill 14 -- D. Brown
Senate Bill 46 -- Cohenour
Senate Bill 82 -- Fitzpatrick
Senate Bill 89 -- D. Brown
Senate Bill 98 -- F. Smith
Senate Bill 101 -- Regier
Senate Bill 115 -- Kary
Senate Bill 119 -- Blasdel

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/17/2019

HB 413, introduced by F. Anderson
HB 598, introduced by M. Hopkins
HB 631, introduced by K. Dudik
HB 654, introduced by Z. Brown
HB 657, introduced by D. Bedey
HB 716, introduced by T. Woods
HB 754, introduced by S. Vinton

SB 352 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 352:**

4/17/2019

Representative Glimm, Vice Chair
Representative Ballance
Representative Lynch

House joint resolution passed and transmitted to the Senate for concurrence: 4/17/2019

HJ 48, introduced by D. Lenz

Conference Committee Report No.1 adopted: 4/17/2019

HB 16, introduced by D. Fern

HB 684 - The House failed to concur in Senate amendments to **HB 684,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 684:**

4/17/2019

Representative M. Regier, Vice Chair
Representative Glimm
Representative Lynch

HB 715 - The House failed to concur in Senate amendments to **HB 715,** authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 715:**

4/17/2019

Representative Glimm, Vice Chair
Representative Jones
Representative Lynch

FIRST READING AND COMMITMENT OF BILLS

The following Senate joint resolution was introduced, read first time, and referred to committee:

SJ 33, introduced by T. Gauthier, K. Bogner, M. Caferro, S. Fitzpatrick, J. Gross, T. Jacobson, M. Phillips, D. Salomon, referred to Business, Labor, and Economic Affairs.

The following House joint resolution was introduced, read first time, and referred to committee:

HJ 48, introduced by D. Lenz, referred to Public Health, Welfare and Safety.

MOTIONS

Senator Sands moved that **HB 298** be taken from the Judiciary Committee and placed on second reading this date. Motion **failed** as follows

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 24

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 26

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blasdel in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 53 - Senator Howard moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 53**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 30 - **House Amendments** - Senator Gross moved House amendments to **SB 30** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn.
Total 32

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Tempel, Vance, Webb, Mr President.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 114 - **House Amendments** - Senator Gross moved House amendments to **SB 114** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gross, Hinebauch, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 34

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Gillespie, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Thomas, Vance, Welborn, Mr President.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 125 - **House Amendments** - Senator Fitzpatrick moved House amendments to **SB 125** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 204 - **House Amendments** - Senator MacDonald moved House amendments to **SB 204** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Tempel.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 216 - **House Amendments** - Senator R. Webb moved House amendments to **SB 216** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McConnell, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 36

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, MacDonald, Malek, McClafferty, McNally, Sands, Smith F, Vuckovich, Webber.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 239 - **House Amendments** - Senator Ellsworth moved House amendments to **SB 239** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McConnell, McNally, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 38

Nays: Barrett, Ellis, MacDonald, Malek, McClafferty, Olszewski, Pomnichowski, Sands, Smith F, Vuckovich, Webber, Welborn.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 265 - **House Amendments** - Senator Jacobson moved House amendments to **SB 265** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon,

Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Mr President.
Total 37

Nays: Brown, Esp, Fielder, Hinebauch, Howard, Lang, Olszewski, Osmundson, Smith C, Tempel, Vance, Webb, Welborn.
Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 312 - **House Amendments** - Senator Small moved House amendments to **SB 312** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 343 - **House Amendments** - Senator Richmond moved House amendments to **SB 343** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: Smith C.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 346 - **House Amendments** - Senator Fitzpatrick moved do **not** concur in House amendments to **SB 346**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Esp, Hinebauch, Kary, Keenan, Olszewski.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363 - **House Amendments** - Senator Ankney moved House amendments to **SB 363** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Malek, McClafferty, McConnell, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 37

Nays: Barrett, Bennett, Brown, Cohenour, Lang, MacDonald, McNally, Olszewski, Phillips, Pomnichowski, Sands, Thomas, Vance.

Total 13

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 54 - **Conference Committee Report No. 1** - Senator K. Regier moved the Conference Committee report to **HB 54** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Ellsworth, Hinebauch, Vance.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 260 - **Conference Committee Report No. 1** - Senator Osmundson moved the Conference Committee report to **HB 260** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Bennett, Brown, Pomnichowski.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 599 - **Conference Committee Report No. 1** - Senator Small moved the Conference Committee report to **HB 599** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 33

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Regier, Sesso, Smith C, Tempel, Vance, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 93 - **Conference Committee Report No. 1** - Senator Richmond moved the Conference Committee report to **SB 93** be adopted. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 34

Nays: Barrett, Bennett, Boland, Cohenour, Flowers, Gross, Jacobson, MacDonald, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Sands, Webber.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 139 - **Conference Committee Report No. 1** - Senator Lang moved the Conference Committee report to **SB 139** be adopted. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 43

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Pomnichowski.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 217 - Senator McConnell moved **HB 217** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 26

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Sales assumed the chair.

SB 266 - **House Amendments** - Senator Blasdel moved House amendments to **SB 266** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Thomas, Vance, Webb, Welborn.
Total 30

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Flowers, Hoven, Howard, Keenan, McNally, Phillips, Pomnichowski, Sands, Smith F, Tempel, Vuckovich, Webber, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Blasdel moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Barrett, Keenan.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 10 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 45

Nays: Brown, Esp, Keenan, Vance, Mr President.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 421 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 500 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 534 concurred in as follows:

Yeas: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 28

Nays: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 12 concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips,

Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Barrett, Boland, Ellis, Jacobson, Sesso.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 35 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Sesso.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 38 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 41

Nays: Ellsworth, Esp, Hinebauch, Howard, Phillips, Sands, Smith F, Vance, Mr President.

Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 44, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Brown, Cuffe, Esp, Howard, Tempel, Vance.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 55, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 60, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 76, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Bogner, Malek.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 132, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 253, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Tempel.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 267, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 39

Nays: Blasdel, Bogner, Cuffe, Esp, Fielder, Kary, Keenan, Lang, Smith C, Tempel, Vance.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 320, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 44

Nays: Brown, Cuffe, Ellsworth, Fielder, Vance, Mr President.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 330, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Jacobson, McClafferty, McConnell, McNally, Olszewski, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vance, Webb, Webber, Welborn, Mr President.
Total 33

Nays: Barrett, Brown, Esp, Fielder, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, Osmundson, Pomnichowski, Smith C, Tempel, Thomas, Vuckovich.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 333, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Lang.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 358, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 34

Nays: Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Hinebauch, Howard, Keenan, Lang, Osmundson, Pomnichowski, Smith C, Smith F.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 365, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Hinebauch, Kary.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 22 passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gillespie, Gross, Hoven, Howard, Keenan, Lang, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Mr President.
Total 36

Nays: Barrett, Cohenour, Cuffe, Gauthier, Hinebauch, Jacobson, Kary, MacDonald, Malek, Salomon, Sesso, Vuckovich, Webber, Welborn.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 16, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fielder, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber.
Total 33

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Smith C, Tempel, Vance, Welborn, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved to appoint a **Free** Conference Committee on **SB 346** and request the House to appoint a like committee. Motion carried. President Sales appointed:

4/18/2019

Senator Fitzpatrick, Chair
Senator Cohenour
Senator Vance

SPECIAL ORDERS OF THE DAY

Senator Webb gave his farewell address to the Senate.

Senate recessed at 10:13 a.m. and reconvened at 10:43 a.m., President Sales presiding.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/18/2019
SJ 31, do pass.
SR 62, be adopted.

SR 63, be adopted.
SR 64, be adopted.
SR 65, be adopted.
HB 694, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Joint Resolution 3**
Report No. 001, April 17, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Joint Resolution 3** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Joint Resolution 3** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5 through line 6.
Strike: "THE IMPACTS" on line 5 through "WATER BODIES; AND" on line 6

2. Page 1, line 15 through line 22.
Strike: line 15 through line 22

For the Senate:
Thomas, Chair
Blasdel
Phillips

For the House:
Skees, Vice Chair
Fern
Zolnikov

FREE CONFERENCE COMMITTEE
on **House Bill 684**
Report No. 001, April 18, 2019

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 684** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 684** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 13.

Following: "FACILITIES;"
Insert: "PROVIDING FUND TRANSFERS;"

2. Title, page 1, line 15.
Following: "3-1-711,"
Insert: "46-1-1104, 46-1-1211,"

3. Page 7.
Following: line 1
Insert: "Section 8. Section 46-1-1104, MCA, is amended to read:

"46-1-1104. Drug treatment court structure. (1) Each judicial district or court of limited jurisdiction may establish a drug treatment court under which drug offenders may be processed to address an identified substance abuse problem as a condition of pretrial release, pretrial diversion under 46-16-130, probation, incarceration, parole, or other release from a detention or correctional facility.

(2) Participation in drug treatment court is voluntary and is subject to the consent of the prosecutor, the defense attorney, and the court pursuant to a written agreement.

(3) A drug treatment court and governmental entities that refer an offender to a drug treatment court shall adopt an evidence-based program evaluation tool that measures how closely the drug treatment court programs meet the known principles of effective intervention. The tool must measure program content and capacity to ensure the delivery of effective interventions for offenders.

~~(3)~~(4) A drug treatment court may grant reasonable incentives under a written agreement if the court finds that a drug offender is performing satisfactorily in drug treatment court, is benefiting from education, treatment, and rehabilitation, has not engaged in criminal conduct, and has not violated the terms and conditions of the agreement. Reasonable incentives may include but are not limited to:

(a) graduation certificates;
(b) early graduation;
(c) fee reduction or waiver of fees;
(d) record expungement of the underlying case; or
(e) reduced contact with a probation officer.

~~(4)~~(5) The court may impose reasonable sanctions under the agreement, including incarceration or termination from the drug treatment court, if the court finds that the drug offender is not performing satisfactorily in drug treatment court, is not benefiting from education, treatment, or rehabilitation, has engaged in conduct rendering the offender unsuitable for the program, has otherwise violated the terms and conditions of the agreement, or is for any reason unable to participate. Sanctions may include but are not limited to:

(a) a short-term jail sentence;
(b) fines;
(c) extension of time in the program;
(d) peer review;
(e) geographical restrictions;
(f) termination; or
(g) contempt of court.

~~(5)~~(6) Upon successful completion of drug treatment court, a drug offender's case must be disposed of by the judge in the manner prescribed by the agreement and by the applicable policies and procedures adopted by the drug treatment court. This may include but is not limited to pretrial diversion under 46-16-130, dismissal of criminal charges, probation, deferred sentencing, suspended sentencing, or a reduced period of incarceration. A drug offender who successfully completes the program may be given credit for the time the offender served in the drug treatment program by the judge upon disposition.

~~(6)~~(7) Each local jurisdiction that intends to establish a drug treatment court or to continue the operation of an existing drug treatment court shall establish a local drug treatment court team.

~~(7)~~(8) The drug treatment court team shall, when practicable, conduct a staff meeting prior to each drug treatment court session to discuss and provide updated information regarding drug offenders. After determining the offender's progress or lack of progress, the court, with input from the drug treatment court team, shall determine the appropriate incentive or sanction to be applied.

~~(8)~~(9) The provisions of this part apply only to offenders who qualify for participation based on qualifications established by each drug treatment court. The provisions of this part do not apply to drug offenders who have been convicted of a sexual offense, as defined in 46-23-502. This part does not confer a right or expectation of a right to participate in a drug treatment court and does not obligate a drug treatment court to accept any offender. The establishment of a drug treatment court may not be construed as limiting the discretion of a prosecutor to act on any criminal case that the prosecutor considers advisable to prosecute. Each drug treatment court judge may establish rules and may make special orders and necessary rules that do not conflict with rules adopted by the Montana supreme court.

~~(9)~~(10) Each drug offender shall contribute to the cost of drug treatment court in accordance with 46-1-1112(2).

~~(10)~~(11) A drug treatment court coordinator is responsible for the general administration of a drug treatment court under the direction of the drug treatment court judge.

~~(11)~~(12) The supervising agency shall timely forward information to the drug treatment court concerning the drug offender's progress and compliance with any court-imposed terms and conditions.

~~(12)~~(13) A department of corrections probation and parole officer may participate in a drug treatment court team if authorized by the department. The department may authorize participation if it determines, in its discretion, that the caseloads of local probation and parole officers permit participation. If necessitated by a change in caseloads, the department may withdraw authorization for participation by its probation and parole officers in a drug treatment court. The department of corrections may not authorize its probation and parole officers to supervise a participant of a drug treatment court program who has not been convicted of a felony offense and committed to the supervision of the department.""

Insert: "Section 9. Section 46-1-1211, MCA, is amended to read:

"46-1-1211. Treatment and support services. (1) As part of a diagnostic assessment, each jurisdiction shall establish a system to ensure that participants are placed into a clinically approved mental health treatment program. To accomplish this, the program conducting the individual assessment shall make specific recommendations to the mental health treatment court team regarding the type of treatment program and duration necessary so that a

participant's individualized needs are addressed. The assessments and recommendations must be based upon evidence-based treatment principles. The mental health treatment court and governmental entities that refer an offender to a mental health treatment court shall adopt an evidence-based program evaluation tool that measures how closely the mental health treatment court programs meet the known principles of effective intervention. The tool must measure program content and capacity to ensure the delivery of effective interventions for offenders. Treatment recommendations accepted by the mental health treatment court pursuant to this part must be considered to be reasonable and necessary and be evidence-based or research-driven.

(2) An adequate continuum of care for participants must be established in response to this part.

(3) The mental health treatment court shall, when practicable, ensure that one agency may not provide both assessment and treatment services for the mental health treatment court to avoid potential conflicts of interest or the appearance that a diagnostic assessment agency might benefit by determining that a participant is in need of the particular form of treatment that the agency provides.

(4) A mental health treatment court making a referral for mental health services or substance abuse treatment shall refer the participant to a program that is licensed, certified, or approved by the court.

(5) The court shall determine which treatment programs are authorized to provide the recommended treatment to participants. The relationship between the treatment program and the court must be governed by a memorandum of understanding, which must include the timely reporting of the participant's progress or lack of progress to the mental health treatment court.""
Renumber: subsequent sections

4. Page 9, line 12 through line 13.
Strike: "is a member" on line 12 through "comparable" on line 13
Insert: "has"

5. Page 9, line 14.
Following: "industry"
Insert: "and the court"

6. Page 13, line 24.
Strike: "2%"
Insert: "2.5%"

7. Page 14, line 25.
Strike: "$2,353,000"
Insert: "$4,353,000"

8. Page 15, line 1.
Strike: "AND"

9. Page 15, line 2.
Following: "LIBRARY"
Insert: "; and"
Insert: "(d) $2,000,000 to the treatment court support account established in [section 3 of House Bill No. 654]"

10. Page 15.
Following: line 8
Insert: "COORDINATION SECTION. **Section 21. Coordination instruction.** If [this act], [section 1 of Senate Bill No. 352 funding an interdiction team], and [House Bill No. 2] are passed and approved, then the state special revenue appropriations for the department of justice, Montana Highway Patrol, in [House Bill No. 2] is reduced by $300,206 for the fiscal year beginning July 1, 2019, and by $299,336 for the fiscal year beginning July 1, 2020."
Renumber: subsequent sections

11. Page 15, line 11.
Strike: "[SECTIONS 15 AND 17 THROUGH 19]"
Insert: "[Sections 17 and 19 through 22]"

For the Senate:
Osmundson, Chair
Howard
McConnell

For the House:
M. Regier, Vice Chair
Glimm
Lynch

Without objection, select committee reports were adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blasdel in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Salomon excused at this time.

SJ 28 - Senator Sands moved **SJ 28** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 44

Nays: Cuffe, Hinebauch, Kary, Smith C, Mr President.
Total 5

Paired: None.

Excused: Salomon.
Total 1

Absent or not voting: None.
Total 0

Senator Salomon present at this time.

SR 55 - Senator Hoven moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 55**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 29 - Senator Gillespie moved **HJ 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Cohenour, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Webber, Welborn.
Total 35

Nays: Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Howard, Kary, Salomon, Smith C, Thomas, Vance, Vuckovich, Webb, Mr President.
Total 15

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 31 - Senator K. Regier moved **HJ 31** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Mr President.
Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Webber, Welborn.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 34 - Senator D. Brown moved **HJ 34** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 38

Nays: Blasdel, Bogner, Cuffe, Hinebauch, Kary, Lang, Osmundson, Regier, Smith C, Vance, Webb, Mr President.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 36 - Senator Fielder moved **HJ 36** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 39

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Howard, Kary, Lang, Smith C, Vance, Mr President.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 43 - Senator MacDonald moved **HJ 43** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 43

Nays: Brown, Cuffe, Howard, Kary, Smith C, Vance, Mr President.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 45 - Senator Gross moved **HJ 45** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber, Welborn, Mr President.
Total 33

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Regier, Smith C, Tempel, Vance, Webb.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Blasdel moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate recessed at 11:05 a.m. and reconvened at 11:48 a.m., President Sales presiding.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 4/18/2019
SR 58, be adopted.

Without objection, the committee report was adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 652 - Senator Sesso moved **HB 652** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 41

Nays: Brown, Ellsworth, Hinebauch, Keenan, Olszewski, Regier, Vance, Webb, Mr President.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 8 - Senator Cuffe moved **HB 8** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Brown, Vance.
Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved to **suspend Senate Rule 50-190**, related to third reading procedure, to allow all bills heard this date on second reading to proceed to third reading this date. Without objection, so ordered.

Senate recessed at 12:24 p.m. and reconvened at 12:38 p.m., President Sales presiding.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 217 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fielder, Flowers, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Hinebauch, Howard, Kary, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 260 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 48

Nays: Brown, Mr President.

Total 2

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 29 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cohenour, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 38

Nays: Boland, Cuffe, Ellis, Esp, Lang, Osmundson, Salomon, Smith C, Thomas, Vance, Webb, Mr President.
Total 12

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 31 concurred in as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 27

Nays: Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 23

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 34 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 30

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Fielder, Fitzpatrick, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 36 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 34

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Howard, Kary, Keenan, Lang, Salomon, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 16

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HJ 43 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 41

Nays: Brown, Cuffe, Esp, Kary, Keenan, Smith C, Vance, Welborn, Mr President.
Total 9

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 45 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Mr President.
Total 29

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 21

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 30, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 114, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Webb, Webber.
Total 30

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Thomas, Vance, Vuckovich, Welborn, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 125, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso,

Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 204, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 42

Nays: Esp, Fielder, Hinebauch, Keenan, Lang, Tempel, Vance, Mr President.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 216, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 239, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 36

Nays: Barrett, Boland, Cohenour, Ellis, Esp, MacDonald, Malek, McClafferty, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 265, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber.
Total 36

Nays: Brown, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Smith C, Tempel, Vance, Welborn, Mr President.
Total 14

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 266, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Howard, Jacobson, Kary, MacDonald, Malek, McConnell, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Thomas, Vance, Webb, Welborn.
Total 30

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Fielder, Hoven, Keenan, Lang, McClafferty, McNally, Pomnichowski, Sands, Smith F, Tempel, Vuckovich, Webber, Mr President.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 312, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 43

Nays: Brown, Hinebauch, Keenan, Lang, Smith F, Tempel, Vance.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 343, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Blasdel, Bogner, Esp, Keenan, Olszewski, Smith C, Tempel, Thomas.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363, **as amended by the House**, passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 36

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Kary, Keenan, Olszewski, Smith C, Thomas, Vance, Webb, Mr President.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 28 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso,

Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 39

Nays: Brown, Cuffe, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Osmundson, Salomon, Smith C.
Total 11

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 54, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Hinebauch, Keenan, Lang, Vance.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 599, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Small, Smith F, Vuckovich, Webber, Welborn.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier, Sesso, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 93, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Webber.
Total 18

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 139, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 43

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Pomnichowski.
Total 7

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 652,concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 40

Nays: Brown, Ellsworth, Hinebauch, Howard, Keenan, Olszewski, Regier, Vance, Webb, Mr President.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 8, concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Brown, Keenan, Vance.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

SB 32 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 32:**

4/18/2019

Representative White, Vice Chair
Representative B. Brown
Representative Curdy

SB 201 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 201:**

4/18/2019

Representative White, Vice Chair
Representative Keane
Representative R. Knudsen

SB 247 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 247:**

4/18/2019

Representative White, Vice Chair
Representative B. Brown
Representative Curdy

SB 352 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 352:**

4/17/2019

Representative Glimm, Vice Chair
Representative Ballance
Representative Lynch

Conference Committee Report No.1 adopted: 4/18/2019

SB 93, introduced by T. Richmond
SB 139, introduced by M. Lang

Senate amendments to House bills concurred in: 4/18/2019

HB 3, introduced by K. Holmlund
HB 4, introduced by D. Bartel
HB 5, introduced by J. Keane
HB 52, introduced by J. Keane

HB 441, introduced by K. White
HB 515, introduced by B. Usher
HB 555, introduced by D. Lenz
HB 636, introduced by L. Jones
HB 643, introduced by R. Knudsen
HB 669, introduced by F. Moore
HB 676, introduced by D. Skees
HB 722, introduced by S. Gunderson
HB 735, introduced by M. Hopkins

Senate amendments to House bill not concurred in: 4/18/2019

HB 597, introduced by D. Zolnikov

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

4/18/2019

SJ 10, introduced by K. Bogner

Conference Committee Report No.1 adopted: 4/18/2019

HB 54, introduced by R. Peppers
HB 599, introduced by J. Windy Boy

HB 433 - The House failed to concur in Senate amendments to **HB 433,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 433:**

4/18/2019

Representative F. Moore, Vice Chair
Representative Ballance
Representative Ryan

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 433**. Motion carried. President Sales appointed:

4/18/2019

Senator Osmundson, Chair
Senator McConnell
Senator C. Smith

ANNOUNCEMENTS

Conference committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 5:00 p.m., Monday, April 22, the eighty-fourth legislative day. Motion carried.

Senate adjourned at 12:55 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
EIGHTY-FOURTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 22, 2019 — State Capitol

Senate convened at 5:00 p.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. Thirty-eight members present. Senators Brown, Ellsworth, Fielder, Hinebauch, Hoven, Howard, Jacobson, McConnell, Osmundson, Phillips, Regier, and Vuckovich excused. Quorum present.

MESSAGES FROM THE GOVERNOR

April 18, 2019

Senator Scott Sales, President
Montana Senate
Capitol Building
Helena, MT 59601

Dear President Sales:

On Thursday, April 18, 2019, I signed the following bills:

Senate Bill 130 - Salomon
Senate Bill 148 - Bennett
Senate Bill 150 - Bennett
Senate Bill 157 - Olszewski
Senate Bill 160 - McConnell
Senate Bill 163 - Fitzpatrick
Senate Bill 182 - Bogner
Senate Bill 212 - Webber
Senate Bill 223 - Jacobson
Senate Bill 226 - Vance
Senate Bill 275 - Olszewski
Senate Bill 288 - D. Brown
Senate Bill 292 - Webb
Senate Bill 295 - Richmond
Senate Bill 310 - Osmundson

I have vetoed **Senate Bill 217** - Howard

Sincerely,

STEVE BULLOCK
Governor

April 18, 2019

The Honorable Greg Hertz
Speaker of the House
State Capitol
Helena, MT 59601

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59601

Dear Speaker Hertz and President Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby **veto Senate Bill 217** (SB 217), "AN ACT REVISING THE TAXATION OF SOCIAL SECURITY BENEFITS; MODIFYING THE FEDERAL CALCULATION FOR TAXATION OF SOCIAL SECURITY BENEFITS ON A STATE RETURN; AMENDING SECTION 15-30-2110, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

The budget I proposed to the Legislature was balanced, maintained a meaningful reserve and made targeted investments in education, infrastructure and critical services. It is the Constitutional obligation of the Legislature to pass a balanced budget, yet with 8 legislative days left, Republicans have bills totaling $65 million of unfunded spending outside of HB 2, the state's primary budget bill.

Senate Bill 217 would have an immediate $3 million negative impact in Fiscal Year 2019, increasing to more than a $36 million impact over the course of the 2021-2022 biennium. A negative impact of this magnitude would jeopardize critical services that Montanans of all ages rely on, including low-income seniors.

Senate Bill 217 would almost double the exemption for social security income for certain tax filers. Although the sponsor said the intent of the bill was to benefit low-income seniors, SB 217 will disproportionately benefit seniors with higher incomes. The state has an obligation to care for our seniors, especially those living on fixed incomes. Senate Bill 217 could force cuts to programs that

allow seniors to live and be cared for at home.

After the lessons of the 2017 session, I expect the legislature to ensure we have the revenue necessary to prevent cuts to critical services for Montanans. Senate Bill 217 creates an unfunded financial risk for the state that I cannot support.

For these reasons, I veto SB 217.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bills concurred in: 4/18/2019

HB 431, introduced by Z. Brown
HB 640, introduced by S. Morigeau
HB 658, introduced by E. Buttrey
HB 727, introduced by E. Buttrey

Senate amendments to House bill not concurred in: 4/18/2019

HB 660, introduced by J. Krautter

House joint resolutions passed and transmitted to the Senate for concurrence: 4/18/2019

HJ 41, introduced by B. Hamlett
HJ 52, introduced by B. Usher
HJ 56, introduced by B. Usher
HJ 57, introduced by K. Kelker
HJ 61, introduced by S. Berglee

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 41, introduced by B. Hamlett, T. Jacobson, R. Lynch, referred to State Administration.
HJ 52, introduced by B. Usher, referred to Judiciary.
HJ 56, introduced by B. Usher, referred to Judiciary.
HJ 57, introduced by K. Kelker, referred to Judiciary.
HJ 61, introduced by S. Berglee, referred to Judiciary.

MOTIONS

Majority Leader Thomas moved the **Free** Conference Committee on **SB 346** be dissolved and that the President appoint the same members to a Conference Committee on **SB 346**. Without objection, so ordered.

Majority Leader Thomas moved the Senate suspend the rules and accept **SJ 10**, transmitted from the House after the deadine had passed. The resolution was accepted as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Kary, Keenan, Lang, MacDonald, McNally, Olszewski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 33

Nays: Barrett, Ellis, Malek, McClafferty, Pomnichowski.
Total 5

Paired: None.

Excused: Brown, Ellsworth, Fielder, Hinebauch, Hoven, Howard, Jacobson, McConnell, Osmundson, Phillips, Regier, Vuckovich.
Total 12

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, April 23, 2019, the eighty-fifth legislative day. Motion carried.

Senate adjourned at 5:14 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
EIGHTY-FIFTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 23, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Ellsworth. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/23/2019
Correctly printed: **SJ 20**, **SJ 29**, **SJ 30**, **SJ 31**, **SJ 32**.
Correctly enrolled: **SB 30**, **SB 44**, **SB 55**, **SB 60**, **SB 76**, **SB 93**, **SB 114**, **SB 132**, **SB 139**, **SB 204**, **SB 216**, **SB 325**.
Examined by the sponsor and found to be correct: **SB 30**, **SB 114**.
Transmitted to the House: **SJ 20**, **SJ 29**, **SJ 30**, **SJ 31**, **SJ 32**.
Signed by the Secretary of the Senate at 10:20 a.m., April 13, 2019: **SB 35**, **SB 37**, **SB 38**, **SB 69**, **SB 73**, **SB 116**, **SB 133**, **SB 155**, **SB 183**, **SB 195**, **SB 241**, **SB 268**, **SB 271**, **SB 276**, **SB 305**, **SB 334**.
Signed by the President at 11:00 a.m., April 16, 2019: **SB 133**, **SB 155**, **SB 183**, **SB 195**, **SB 241**, **SB 268**, **SB 271**, **SB 276**, **SB 305**, **SB 334**.
Signed by the President at 3:45 p.m., April 17, 2019: **SB 35**, **SB 37**, **SB 38**, **SB 69**, **SB 73**, **SB 116**.

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Fitzpatrick, Chair): 4/23/2019
HB 385, be concurred in.

Without objection, the committee report was adopted.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olszewski in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 20 - Senator Welborn moved **SJ 20** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven,

Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 29 - Senator D. Brown moved **SJ 29** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber.
Total 22

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 30 - Senator Cohenour moved **SJ 30** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 33

Nays: Ankney, Bogner, Brown, Cuffe, Esp, Hinebauch, Howard, Kary, Keenan, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 31 - Senator Boland moved **SJ 31** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 27

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 23

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 32 - Senator Bogner moved **SJ 32** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 56 - Senator D. Brown moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 56**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 58 - Senator Hoven moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 58**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 60 - Senator Vance moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 60**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 62 - Senator Fitzpatrick moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 62**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SR 63 - Senator Fitzpatrick moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 63**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 64 - Senator Fitzpatrick moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 64**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 65 - Senator Fitzpatrick moved the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 65**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Fielder excused at this time.

HJ 39 - Senator D. Brown moved **HJ 39** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 28

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.

Total 0

Senator Brown arose on a point of personal privilege to clarify information presented during the discussion of **SJ 29**.

HJ 40 - Senator Welborn moved **HJ 40** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Esp.
Total 1

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SB 299 - **Conference Committee Report No. 1** - Senator Lang moved the Conference Committee report to **SB 299** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SJ 3 - **Conference Committee Report No. 1** - Senator Thomas moved the Conference Committee report to **SJ 3** be adopted. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Barrett, Bennett, Pomnichowski.
Total 3

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 172 - **Free Conference Committee Report No. 1** - Senator Ellsworth moved the Free Conference Committee report to **HB 172** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 41

Nays: Blasdel, Brown, Cuffe, Esp, Kary, Regier, Vance, Mr President.
Total 8

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

HB 684 - **Free Conference Committee Report No. 1** - Senator Howard moved the Free Conference Committee report to **HB 684** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Esp, Gross, Keenan, Pomnichowski.
Total 4

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Olszewski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 32**
Report No. 001, April 23, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 32** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 32** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "PROVIDING" on line 6 through "APPROPRIATIONS;" on line 7

2. Title, page 1, line 8.
Strike: "SECTIONS 2-15-3308 AND 85-2-310"
Insert: "SECTION 2-15-3308"

3. Page 5, line 15.
Strike: "EVERY MEETING OF"

4. Page 5, line 23 through page 8, line 2.
Strike: section 4 in its entirety
Renumber: subsequent sections

For the Senate:
Welborn, Chair
Hinebauch
Sesso

For the House:
White, Vice Chair
B. Brown
Curdy

Without objection, the select committee report was adopted.

MOTIONS

Majority Leader Thomas moved the Senate **suspend Senate Rule 50-150**, related to third reading of bills, to allow Senate joint resolutions heard on second reading to move immediately to third reading. Without objection, so ordered.

Senator MacDonald moved that **HB 477** be taken from the Judiciary Committee and placed on second reading the current or next legislative day. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven,

Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 24

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 25

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJ 20 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Esp, Tempel.
Total 2

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SJ 29 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gillespie, Hinebauch,

Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 27

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Tempel, Vuckovich, Webber.
Total 22

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SJ 30 passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.
Total 30

Nays: Blasdel, Bogner, Brown, Cuffe, Esp, Hinebauch, Howard, Kary, Keenan, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 19

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SJ 31 passed as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 25

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Hinebauch, Howard,

Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

SJ 32 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Fielder.
Total 1

Absent or not voting: None.
Total 0

Vote totals include a change of vote from No to Yes made by Senator Fitzpatrick under Motions.

MOTIONS

Senator Fitzpatrick moved to change his third-reading vote on **SJ 32** from No to Yes. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

Senator Malek made her farewell remarks to the Senate.

Senator Fitzpatrick introduced the Pages for the coming week:

Isabella Frymier from Belgrade, sponsored by President Sales
Joseph Evans from Missoula, sponsored by Senator Gillespie
Nolan Nansel from Colstrip, sponsored by Senator Ankney
Justice Restuccio from Butte, sponsored by Senator Sesso
Ryan Kipp from Browning, sponsored by Senator Gillespie

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, April 24, 2019, the eighty-sixth legislative day. Motion carried.

Senate adjourned at 2:12 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
EIGHTY-SIXTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 24, 2019 — State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Brown. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Fitzpatrick excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/24/2019
We, your committee on Bills and Journals, having examined the daily journals for the seventy-sixth through the eightieth legislative days, find the same to be correct.

Correctly printed: **SR 27**, **SR 28**, **SR 48**, **SR 57**, **SR 59**, **SR 61**, **HB 385**, **HJ 32**, **HJ 39**, **HJ 40**, **HJ 48**, **HJ 49**, **HJ 50**.
Correctly enrolled: **SB 239**, **SB 253**, **SB 266**, **SB 267**, **SB 312**, **SB 320**, **SB 333**, **SB 343**, **SB 358**, **SB 363**, **SB 365**, **SR 44**, **SR 45**, **SR 53**, **SR 55**, **SR 56**, **SR 58**, **SR 60**, **SR 62**, **SR 63**, **SR 64**, **SR 65**, **SJ 18**, **SJ 19**.
Examined by the sponsor and found to be correct: **SB 44**, **SB 55**, **SB 60**, **SB 76**, **SB 93**, **SB 132**, **SB 139**, **SB 204**, **SB 216**, **SB 239**, **SB 253**, **SB 266**, **SB 267**, **SB 312**, **SB 320**, **SB 325**, **SB 333**, **SB 343**, **SB 358**, **SB 363**, **SB 365**, **SJ 18**, **SJ 19**, **SR 44**, **SR 45**, **SR 53**, **SR 55**, **SR 56**, **SR 58**, **SR 60**, **SR 62**, **SR 63**, **SR 64**, **SR 65**.
Signed by the Secretary of the Senate at 7:20 a.m., April 23, 2019: **SB 244**, **SB 254**, **SB 256**, **SB 257**, **SB 258**, **SB 262**, **SB 269**, **SB 286**, **SB 289**, **SB 291**, **SB 296**, **SB 300**, **SB 317**, **SB 318**, **SB 319**, **SB 321**, **SB 324**, **SB 326**, **SB 328**, **SB 329**, **SB 335**, **SB 337**, **SB 351**, **SB 353**, **SB 354**, **SB 362**.
Signed by the President at 4:45 p.m., April 23, 2019: **SB 244**, **SB 254**, **SB 256**, **SB 257**, **SB 258**, **SB 262**, **SB 269**, **SB 286**, **SB 289**, **SB 291**, **SB 296**, **SB 300**, **SB 317**, **SB 318**, **SB 319**.
Signed by the President at 9:30 a.m., April 24, 2019: **SB 321**, **SB 324**, **SB 326**, **SB 328**, **SB 329**, **SB 335**, **SB 337**, **SB 351**, **SB 353**, **SB 354**, **SB 362**.

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Fielder, Chair): 4/24/2019
SR 27, be adopted.
SR 28, be adopted.
SR 48, be adopted.

JUDICIARY (Regier, Chair): 4/24/2019
SR 57, be adopted.
SR 61, be adopted.
HJ 49, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 201**
Report No. 001, April 24, 2019

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 201** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 201** (reference copy -- salmon) be amended as follows:

1. Title, line 7.
Strike: "SECTIONS 82-4-202 AND"
Insert: "SECTION"

2. Page 1, line 21 through page 3, line 2.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 4, line 2.
Following: "financial"
Strike: "obligations" through "including"

4. Page 4, line 4.
Strike: "A PERMITHOLDER"
Insert: "[An operator"
Following: "OBLIGATIONS"
Insert: "for employee pensions"

5. Page 4, line 6.
Following: "CUSTOMERS."
Insert: "]"

6. Page 8, line 23.
Strike: "2"
Insert: "1"

7. Page 8, line 25.
Strike: "2"
Insert: "1"

For the Senate:
Ankney, Chair
Cohenour
Richmond

For the House:
White, Vice Chair
Keane
R. Knudsen

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 346**
Report No. 001, April 24, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered House amendments to **Senate Bill 346** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 346** (reference copy -- salmon) be amended as follows:

1. Page 11, line 26.
Strike: "10"
Insert: "5"

2. Page 11, line 27.
Strike: "10"
Insert: "5"

3. Page 29, line 27.
Strike: "10-YEAR"
Insert: "5-year"

For the Senate:
Fitzpatrick, Chair
Cohenour
Vance

For the House:
Welch, Vice Chair
Z. Brown
Kassmier

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 433**
Report No. 001, April 24, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 433** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 433** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 5.

Following: "ANALYST"
Insert: "DIRECT"

2. Title, page 1, line 6 through line 7.
Strike: "CERTAIN HEALTH" on line 6 through "INFORMATION" on line 7
Insert: "THE SECURE DATA WAREHOUSE OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AS PHASES OF THE SECURE DATA WAREHOUSE PROJECT ARE IMPLEMENTED"

3. Page 1, line 30 through page 2, line 28.
Strike: subsection (4) in its entirety
Insert: "(4) (a) The department of public health and human services shall provide the legislative fiscal analyst direct access to the department's secure data warehouse as the phases of the secure data warehouse project are implemented.

(b) The department of public health and human services shall consult with the legislative fiscal analyst and shall establish user requirements to ensure the legislative fiscal analyst does not have access to direct identifiers stored on the secure data warehouse. The department of public health and human services shall consult with the legislative fiscal analyst and shall establish requirements to ensure the legislative fiscal analyst does not have access to direct identifiers stored in other data systems where the data is not available through the secure data warehouse after the phases of the secure data warehouse project are implemented.

(c) The data must be made available to the legislative fiscal analyst in a format that complies with the regulations of the respective federal programs.

(d) The department of public health and human services shall submit quarterly reports in an electronic format to the legislative finance committee and the children, families, health, and human services interim committee on the following:

(i) the implementation of the phases of the secure data warehouse project;

(ii) the user requirements established by the department and the legislative fiscal analyst; and

(iii) the status of the legislative fiscal analyst's access to the secure data warehouse."

For the Senate:	For the House:
Osmundson, Chair	F. Moore, Vice Chair
McConnell	Ballance
C. Smith	Ryan

Without objection, select committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/23/2019

SB 349, introduced by J. Cohenour

Senate joint resolutions concurred in and returned to the Senate: 4/23/2019

SJ 18, introduced by D. Sands
SJ 19, introduced by D. Sands

SB 346 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 346:**

4/23/2019

Representative Welch, Vice Chair
Representative Z. Brown
Representative Kassmier

Conference Committee Report No.1 adopted: 4/23/2019

SB 299, introduced by M. Lang
HB 260, introduced by J. Kassmier

Free Conference Committee Report No.1 adopted: 4/23/2019

HB 172, introduced by D. Bedey
HB 684, introduced by M. Regier

Senate amendments to House bills concurred in: 4/23/2019

HB 21, introduced by R. Peppers
HB 293, introduced by W. Galt
HB 355, introduced by K. White
HB 389, introduced by J. Krautter
HB 403, introduced by B. Usher
HB 411, introduced by W. Curdy
HB 439, introduced by D. Loge
HB 467, introduced by D. Hayman
HB 532, introduced by B. Mercer
HB 626, introduced by E. Kerr-Carpenter
HB 696, introduced by J. Karjala
HB 723, introduced by D. Fern
HB 732, introduced by D. Harvey

HB 660 - The House failed to concur in Senate amendments to **HB 660,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 660:**

4/23/2019

Representative Krautter, Vice Chair
Representative Lenz

Representative Pierson

House joint resolutions passed and transmitted to the Senate for concurrence: 4/23/2019

HJ 46, introduced by D. Fern
HJ 54, introduced by D. Fern
HJ 62, introduced by L. Sheldon-Galloway

FIRST READING AND COMMITMENT OF BILLS

The following House joint resolutions were introduced, read first time, and referred to committees:

HJ 46, introduced by D. Fern, F. Anderson, B. Hamlett, J. Krautter, M. Marler, J. Read, referred to Finance and Claims.
HJ 54, introduced by D. Fern, referred to Business, Labor, and Economic Affairs.
HJ 62, introduced by L. Sheldon-Galloway, referred to Judiciary.

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a **Free** Conference Committee on **HB 660**. Without objection, so ordered. President Sales appointed: Senator Howard, Chair, Senator Keenan and Senator Sands.

Majority Leader Thomas moved the Senate **Free** Conference Committee on **SB 247** be dissolved and that the President appoint the same members to a Conference Committee on **SB 247**. Without objection, so ordered. President Sales appointed Senator Fielder, Chair, Senator Hinebauch and Senator Cohenour.

Senator Richmond moved the Senate Conference Committee on **HB 22** be dissolved and that the President appoint the same members to a Free Conference Committee on **HB 22**. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Esp, Fielder, Gillespie, Hoven, Keenan, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Welborn, Mr President.
Total 21

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Ellsworth, Flowers, Gauthier, Gross, Hinebauch, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webb, Webber.
Total 28

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

Senator Jacobson moved that **HB 412** be taken from the Highways and Transportation Committee and that **HB 412** be placed on second reading this date. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 21

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 28

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator R. Webb in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJ 10 - **House Amendments** - Senator Bogner moved House amendments to **SJ 10** be concurred in. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Barrett, Malek, McClafferty.
Total 3

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

SB 252 - **House Amendments** - Senator Ankney moved House amendments to **SB 252** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 29

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fielder, Flowers, Gross, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Vuckovich, Webber.
Total 20

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

SB 32 - **Conference Committee Report No. 1** - Senator Sesso moved the Conference Committee report to **SB 32** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 48

Nays: Hoven.
Total 1

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

HB 385 - Senator Sesso moved **HB 385** be concurred in.

HB 385 - Senator D. Brown moved **HB 385**, second reading copy, be amended as follows:
1. Title, page 1, line 5.
Strike: "OR TWENTY-ONE"
Insert: ", CRAPS, AND ROULETTE"

2. Title, page 1, line 7.
Following: "BLACKJACK"
Insert: ", CRAPS, AND ROULETTE"

3. Title, page 1, line 8.
Following: "BLACKJACK"
Insert: ", CRAPS, AND ROULETTE"

4. Page 1, line 17.
Following: "**Blackjack**"
Insert: ", craps, and roulette"

5. Page 1, line 21.
Following: "blackjack"
Insert: ", craps, and roulette"

6. Page 1, line 22.
Following: "blackjack"
Insert: ", craps, and roulette"

7. Page 1, line 25.
Following: "blackjack"
Insert: ", craps, and roulette"

8. Page 2, line 1.
Following: "**Blackjack**"
Insert: ", craps, and roulette"

9. Page 2, line 2.
Following: "known as the blackjack"

Insert: ", craps, and roulette"

10. Page 2, line 20.
Following: "**Live blackjack**"
Insert: ", craps, and roulette"

11. Page 2, line 22.
Following: "each live blackjack"
Insert: "craps, and roulette"

12. Page 3, line 1.
Following: "blackjack"
Insert: ", craps, and roulette"

13. Page 5, line 14.
Following: line 13
Insert: "(11) "Craps" means a gambling game in which the players make wagers on the outcome of the roll, or a series of rolls, of a pair of dice. Players may wager money against each other."
Renumber: subsequent subsections

14. Page 6, line 28 through 29.
Strike: "roulette wheel, roulette table, craps" on line 28 through "table," on line 29

15. Page 7, line 6.
Strike: "craps,"

16. Page 9, line 16.
Following: line 15
Insert: "(39) "Roulette" means a gambling game in which the players may choose to place bets on either a single number, various groupings of numbers, the colors red or black, whether the number is odd or even, or if the numbers are high or low."
Renumber: subsequent subsections

17. Page 10, line 8.
Following: "BLACKJACK"
Insert: ", craps, and roulette"

18. Page 10, line 12.
Following: "blackjack"
Insert: ", craps, and roulette"

19. Page 11, line 1.
Following: "blackjack"
Insert: ", craps, and roulette"

20. Page 11, line 7.
Following: "BLACKJACK"
Insert: ", craps, and roulette"

21. Page 11, line 20.
Following: "blackjack"
Insert: ", game of craps, or spin of roulette"

22. Page 13, line 11.
Following: "blackjack,"
Insert: " craps, roulette,"

Amendment **adopted** as follows:

Yeas: Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Olszewski, Pomnichowski, Regier, Richmond, Sands, Smith C, Tempel, Thomas, Webb, Webber.
Total 30

Nays: Ankney, Barrett, Bennett, Blasdel, Bogner, Flowers, Gauthier, Gross, McClafferty, Osmundson, Phillips, Salomon, Sesso, Small, Smith F, Vance, Vuckovich, Welborn, Mr President.
Total 19

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

HB 385 - As amended, **HB 385 failed** as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Fielder, Gauthier, Gross, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sesso, Small, Smith F, Vuckovich, Welborn.
Total 17

Nays: Barrett, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, Olszewski, Osmundson, Regier, Richmond, Sands, Smith C, Tempel, Thomas, Vance, Webb, Webber, Mr President.
Total 33

Paired: Small, Aye; Fitzpatrick, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 385 - Majority Leader Thomas moved **HB 385** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Mr President.
Total 40

Nays: Bennett, Bogner, Gauthier, Gross, Phillips, Sesso, Smith F, Vuckovich, Welborn.
Total 9

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Webb moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 43

Nays: Ankney, Bennett, Gross, McClafferty, Smith F, Vuckovich.
Total 6

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved the Senate dissolve the **Free** Conference Committee on **HB 660** and appoint a Conference Committee **HB 660**. Without objection, so ordered. President Sales appointed Senator Howard, Chair, Senator Keenan and Senator Sands.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 299, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 46

Nays: Ankney, Barrett, Welborn.
Total 3

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

SJ 3, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips,

Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Gross, McConnell, Pomnichowski.
Total 3

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

HJ 39 concurred in as follows:

Yeas: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Small, Smith C, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 26

Nays: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Smith F, Tempel, Webber.
Total 23

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

HJ 40 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Esp, Keenan, Phillips, Tempel.

Total 4

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

HB 172, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fielder, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich.
Total 34

Nays: Blasdel, Brown, Cuffe, Esp, Kary, Keenan, Pomnichowski, Regier, Sands, Smith C, Vance, Webb, Webber, Welborn, Mr President.
Total 15

Paired: None.

Excused: Fitzpatrick.
Total 1

Absent or not voting: None.
Total 0

HB 684, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webb, Webber.
Total 35

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Keenan, Lang, Olszewski, Smith C, Tempel, Welborn, Mr President.
Total 14

Paired: None.

Excused: Fitzpatrick.

Total 1

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fielder and Senator Brown made their farewell remarks.

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to **House bill not** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/24/2019

HB 132, introduced by K. Holmlund

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until 4:30 p.m. Motion carried. Senate recessed at 2:07 p.m.

Senate reconvened at 4:32 p.m., President Sales presiding.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Howard, Chair): 4/24/2019
SR 59, be adopted.
HJ 32, be concurred in.
HJ 48, be concurred in.
HJ 50, be concurred in.

Without objection, committee reports were adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 247**
Report No. 001, April 24, 2019

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 247** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 247** (reference copy -- salmon) be amended as follows:

1. Page 1.
Following: line 20
Insert: "(b) The department may not approve a change in appropriation right until all objections are resolved."
Renumber: subsequent subsections

2. Page 2, line 13.
Strike: "(3)(h)"
Insert: "(3)(i)"

3. Page 2, line 18.
Strike: "(3)(h)"
Insert: "(3)(i)"

4. Page 3, line 17.
Strike: "2019"
Insert: "2029"

5. Page 3, line 23.
Strike: "2019"
Insert: "2029"

For the Senate:
Fielder, Chair
Cohenour
Hinebauch

For the House:
White, Vice Chair
B. Brown
Curdy

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 660**
Report No. 001, April 24, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 660** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 660** (reference copy -- salmon) be accepted by the House.

For the Senate:
Howard, Chair
Keenan
Sands

For the House:
Krautter, Vice Chair
Lenz
Pierson

FREE CONFERENCE COMMITTEE
on **House Bill 715**
Report No. 001, April 24, 2019

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **House Bill 715** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 715** (reference copy -- salmon) be amended as follows:

1. Title, page 1
Following: line 10
Insert: "PROVIDING FUND TRANSFERS;"

2. Page 8, line 2 through line 4.
Strike: subsection (3) in its entirety
Insert: "(3) The legislative fiscal division shall provide administrative staff support and fiscal analysis. The legislative services division may provide research and legal support at the request of the committee."

3. Page 9, line 18 through line 19.
Strike: "for the" on line 18 through "[SECTION 5]" on line 19
Insert: "for interim activities"

4. Page 9.
Following: line 21

Insert: "(3) If the legislative council approves and requests the appointment of additional members to the interim committees pursuant to 5-5-211, for the biennium beginning July 1, 2019, there is appropriated $65,000 from the general fund to the legislative services division."

Insert: "NEW SECTION. **Section 8. Fund transfers.** (1) By August 15, 2019, the state treasurer shall transfer the following amounts to the general fund:

(a) $250,000 from the state special revenue account established in 17-6-603; and

(b) $500,000 from the state special revenue account established in 50-46-345.

(2) By August 15, 2020, the state treasurer shall transfer the following amounts to the general fund:

(a) $250,000 from the state special revenue account established in 17-6-603; and

(b) $500,000 from the state special revenue account established in 50-46-345."

Insert: "NEW SECTION. **Section 9. Appropriations to executive agencies -- allocations.** (1) The appropriations provided for in this section must be allocated to agencies by the budget director. The budget director shall make the preliminary allocations of the appropriations in the statewide accounting, budgeting, and human resource system by August 15, 2019. Except as provided in subsection (2), the allocated appropriations are considered part of the House Bill No. 2 base budget for the purposes of Title 17, chapter 7.

(2) Prior to establishing the appropriations in the statewide accounting, budgeting, and human resource system, the legislative fiscal analyst and the budget director shall agree in writing which allocated appropriations are not considered part of the base budget for the 67th legislature. The individual appropriations established in the statewide accounting, budgeting, and human resource system must be identifiable to the source of the appropriation by subclass.

(3) In the fiscal year beginning July 1, 2019, the following sums are appropriated to the governor's office for allocation by the budget director:

(a) $660,000 in general fund;

(b) $6,880,000 in state special revenue funds;

(c) $40,000 in federal special revenue funds; and

(d) $820,000 in proprietary funds.

(4) In the fiscal year beginning July 1, 2020, the following sums are appropriated to the governor's office for allocation by the budget director:

(a) $730,000 in general fund;

(b) $5,900,000 in state special revenue funds;

(c) $40,000 in federal special revenue funds; and

(d) $720,000 in proprietary funds.

(5) (a) In fiscal year beginning July 1, 2019, the budget director may allocate a total of 13.50 new permanent FTEs to executive agencies.

(b) In fiscal year beginning July 1, 2020, the budget director may allocate a total of 15.50 new permanent FTEs to executive agencies."

Insert: "NEW SECTION. **Section 10. Appropriations to department of justice -- allocations.** (1) The appropriations provided for in this section are allocated to the department

of justice. The department shall make the preliminary allocations of the appropriations among programs by August 15, 2019. Except as provided in subsection (2), the allocated appropriations are considered part of the House Bill No. 2 base budget for the purposes of Title 17, chapter 7.

(2) Prior to establishing the appropriations in the statewide accounting, budgeting, and human resource system, the legislative fiscal analyst and the budget director shall agree in writing which allocated appropriations are not considered part of the base budget for the 67th legislature. The individual appropriations established in the statewide accounting, budgeting, and human resource system must be identifiable to the source of the appropriation by subclass.

(3) In the fiscal year beginning July 1, 2019, the following sums are appropriated to the department of justice:

(a) $230,000 in general fund; and

(b) $1,460,000 in state special revenue funds.

(4) In the fiscal year beginning July 1, 2020, the following sums are appropriated to the department of justice:

(a) $220,000 in general fund; and

(b) $1,460,000 in state special revenue funds.

(5) (a) In each fiscal year beginning July 1, 2019, the department of justice may allocate a total of 6.25 new permanent FTEs to the department of justice.

(b) In each fiscal year beginning July 1, 2020, the department of justice may allocate a total of 12.25 new permanent FTEs to the department of justice."

Insert: "NEW SECTION. **Section 11. Appropriations to office of public instruction -- allocations.** (1) The appropriations provided for in this section are allocated to the office of public instruction. The office of public instruction shall make the preliminary allocations of the appropriations among programs by August 15, 2019. Except as provided in subsection (2), the allocated appropriations are considered part of the House Bill No. 2 budget for the purposes of Title 17, chapter 7.

(2) In the fiscal year beginning July 1, 2019, $30,000 is appropriated one time from the general fund to the office of public instruction."

"NEW SECTION. **Section 12. Appropriations to state auditor's office -- allocations.** (1) The appropriations provided for in this section are allocated to the state auditor's office. The state auditor's office shall make the preliminary allocations of the appropriations among programs by August 15, 2019. Except as provided in subsection (2), the allocated appropriations are considered part of the House Bill No. 2 base budget for the purposes of Title 17, chapter 7.

(2) Prior to establishing the appropriations in the statewide accounting, budgeting, and human resource system, the legislative fiscal analyst and the budget director shall agree in writing which allocated appropriations are not considered part of the base budget for the 67th legislature. The individual appropriations established in the statewide accounting, budgeting, and human resource system must be identifiable to the source of the appropriation by subclass.

(3) In the fiscal year beginning July 1, 2019, the following sums are appropriated to the

state auditor's office:

(a) $10,100,000 in state special revenue funds; and

(b) $34,100,000 in federal special revenue funds.

(4) In the fiscal year beginning July 1, 2020, the following sums are appropriated to the state auditor's office:

(a) $10,000,000 in state special revenue funds; and

(b) $34,100,000 in federal special revenue funds.

(5) In each fiscal year beginning July 1, 2019, and July 1, 2020, the state auditor's office may allocate a total of 0.50 new permanent FTEs to the state auditor's office."

Insert: "NEW SECTION. **Section 13. Appropriations to public service commission -- allocations -- coordination.** (1) The appropriations provided for in this section are allocated to the public service commission. The public service commission shall make the preliminary allocations of the appropriations among programs by August 15, 2019. Except as provided in subsection (2), the allocated appropriations are considered part of the House Bill No. 2 base budget for the purposes of Title 17, chapter 7.

(2) Prior to establishing the appropriations in the statewide accounting, budgeting, and human resource system, the legislative fiscal analyst and the budget director shall agree in writing which allocated appropriations are not considered part of the base budget for the 67th legislature. The individual appropriations established in the statewide accounting, budgeting, and human resource system must be identifiable to the source of the appropriation by subclass.

(3) If House Bill No. 597 is passed and approved, in the fiscal year beginning July 1, 2019, $290,000 in state special revenue funds are appropriated to the public service commission.

(4) If House Bill No. 597 is passed and approved, in the fiscal year beginning July 1, 2020, $270,000 in state special revenue funds are appropriated to the public service commission."

"COORDINATION SECTION. **Section 14. Coordination instruction.** If both [this act] and House Bill No. 636 are passed and approved, then for the biennium beginning July 1, 2019, there is appropriated to department of revenue funds up to $2,000,000 from the general fund to make payments to a local governing body pursuant to 15-1-402(6)(d) for the purpose of complying with House Bill No. 636, and the department of revenue may request a supplemental appropriation if the appropriation is not sufficient to make all payments in the biennium."

Insert: "COORDINATION SECTION. **Section 15. Coordination instruction.** If [this act] and House Bill No. 749 are passed an approved, then [section 2(1) of House Bill No. 749] must read:

"NEW SECTION. **Section 2. Appropriations.** (1) There is appropriated $519,815 from a state special revenue account to the credit of the department of justice for the biennium beginning July 1, 2019, for the purpose of establishing a two-person human trafficking enforcement team consisting of two agents from the division of criminal investigation.""

Insert: "COORDINATION SECTION. **Section 16. Coordination instruction.** If both [this act]

and Senate Bill No. 330 are passed and approved, the legislature intends that the department of justice be authorized to enter into contracts, loan agreements, or other forms of indebtedness pursuant to 17-5-2001, not to exceed $1,311,573 and payable over a term not to exceed 10 years, for financing the cost of implementing the provisions of Senate Bill No. 330. Loans are payable from the state special revenue fund provided for in [section 15 of Senate Bill No. 330]."

Renumber: subsequent sections

For the Senate:	For the House:
Osmundson, Chair	Glimm, Vice Chair
Sesso	Jones
C. Smith	Lynch

Without objection, select committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

Conference Committee Report No.1 adopted: 4/24/2019

SJ 3, introduced by F. Thomas

SB 247 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 247:**

4/24/2019

Representative White, Vice Chair
Representative B. Brown
Representative Curdy

Senate amendments to House bill concurred in: 4/24/2019

HB 661, introduced by G. Custer

House joint resolutions passed and transmitted to the Senate for concurrence: 4/24/2019

HJ 60, introduced by K. Kelker
HJ 64, introduced by K. Kelker

These resolutions are being transmitted after the deadline for interim study resolutions and require a 2/3 vote for the resolutions to be considered by the receiving house.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJ 49 - Senator Fielder moved **HJ 49** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 27 - Senator Fielder moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 27**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 28 - Senator Fielder moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 28**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Brown, Kary, Smith C.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 57 - Senator K. Regier moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 57**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 61 - Senator K. Regier moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 61**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 49

Nays: Welborn.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 201 - **Free Conference Committee Report No. 1** - Senator Ankney moved the Free Conference Committee report to **SB 201** be adopted. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn, Mr President.
Total 46

Nays: Barrett, Olszewski, Pomnichowski, Webb.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 346 - **Conference Committee Report No. 1** - Senator Fitzpatrick moved the Conference Committee report to **SB 346** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 47

Nays: Brown, Olszewski, Regier.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 433 - **Conference Committee Report No. 1** - Senator Olszewski moved the Conference Committee report to **HB 433** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 42

Nays: Bennett, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Pomnichowski.
Total 8

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 132 - **Governor's Amendments** - Senator Lang moved do **not** concur in Governor's amendments to **HB 132**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 44

Nays: Bennett, Cohenour, Gross, Sesso, Smith F, Vuckovich.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Minority Leader Sesso moved that **SR 48** be placed on second reading this date. Motion **failed**

as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber, Welborn.
Total 22

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Mr President.
Total 28

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Majority Leader Thomas moved the Senate adjourn until 9:00 a.m. Thursday, April 25, 2019, the eighty-seventh legislative day. Motion carried.

Senate adjourned at 5:04 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate

SENATE JOURNAL
66TH LEGISLATURE
EIGHTY-SEVENTH LEGISLATIVE DAY

Helena, Montana — Senate Chambers
April 25, 2019 — State Capitol

Senate convened at 9:00 a.m. President Sales presiding. Invocation by Senator Kary. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 4/25/2019
Correctly printed: **HJ 32**, **HJ 48**, **HJ 49**, **HJ 50**, **HJ 56**, **HJ 57**, **HJ 61**, **HJ 62**.
Correctly enrolled: **SB 32**, **SB 125**, **SB 252**, **SB 265**, **SB 299**, **SB 330**, **SB 346**, **SB 349**, **SJ 3**, **SJ 10**, **SJ 20**, **SR 27**, **SR 28**, **SR 48**, **SR 57**, **SR 59**, **SR 61**.
Examined by the sponsor and found to be correct: **SB 125**, **SB 265**, **SB 330**, **SB 349**.
Transmitted to the House: **HB 694**, **HJ 32**, **HJ 39**, **HJ 40**, **HJ 48**, **HJ 49**, **HJ 50**, **HJ 56**.
Signed by the Secretary of the Senate at 7:40 a.m., April 23, 2019: **SB 8**, **SB 12**, **SB 24**, **SB 43**, **SB 49**, **SB 51**, **SB 67**, **SB 74**, **SR 54**.
Signed by the President at 9:30 a.m., April 25, 2019: **SB 8**, **SB 12**, **SB 24**, **SB 43**, **SB 49**, **SB 51**, **SB 67**, **SB 74 SR 54**.

MESSAGES FROM THE OTHER HOUSE

HB 670 - The House failed to concur in Senate amendments to **HB 670,** authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 670:**

4/24/2019

Representative F. Moore, Vice Chair
Representative Lenz
Representative Ryan

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 59 - Senator Howard moved the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 59**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven,

Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 32 - Senator Malek moved **HJ 32** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 33

Nays: Bogner, Brown, Cuffe, Ellsworth, Hinebauch, Howard, Kary, Lang, Osmundson, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 17

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 48 - Senator Sands moved **HJ 48** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 47

Nays: Cuffe, Tempel, Welborn.
Total 3

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJ 50 - Senator Gross moved **HJ 50** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber.
Total 46

Nays: Tempel, Vance, Welborn, Mr President.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 247 - **Free Conference Committee Report No. 1** - Senator Cohenour moved the Free Conference Committee report to **SB 247** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Cuffe, Olszewski, Tempel, Vance.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 50

Nays: None.
Total 0

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJ 49 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Mr President.
Total 49

Nays: Welborn.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 252, **as amended by the House**, passed as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 30

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gross, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Webber.
Total 20

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJ 10, **as amended by the House**, passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 43

Nays: Barrett, Ellis, Malek, Phillips, Sands, Smith F, Webber.
Total 7

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 32, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 46

Nays: Fielder, Hoven, Keenan, Tempel.
Total 4

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 201, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 44

Nays: Barrett, Phillips, Pomnichowski, Sands, Smith F, Webber.
Total 6

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 346, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Brown, Howard, Olszewski, Regier, Tempel.
Total 5

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 433, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.
Total 36

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, MacDonald, Malek, Phillips, Pomnichowski, Sands, Smith F, Webber.
Total 14

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Thomas moved the Senate accede to the request of the House and appoint a Conference Committee on **HB 670**. Motion carried. President Sales appointed:

4/25/2019

Senator C. Smith, Chair
Senator Kary
Senator McConnell

Majority Leader Thomas moved the Senate Conference Committee on **HB 22** be dissolved and that the President appoint the same members to a Free Conference Committee on **HB 22**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 26

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Fielder, Flowers, Gross, Howard, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 24

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Minority Leader Sesso moved the Senate reconsider its action of the previous day on **SR 48** and that **SR 48** be placed on second reading this date. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 49

Nays: Thomas.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved that the Senate recess until 11:00 a.m. Senate recessed at 9:34 a.m.

Senate reconvened at 11:04 a.m., President Sales presiding.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 670**
Report No. 001, April 25, 2019

Mr. President and Mr. Speaker:
We, your Conference Committee met and considered Senate amendments to **House Bill 670** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 670** (reference copy -- salmon) be amended as follows:

1. Page 1, line 19.
Strike: "2020"
Insert: "2019"
Strike: "34"
Insert: "32"

For the Senate:
C. Smith, Chair
Kary
McConnell

For the House:
F. Moore, Vice Chair
Lenz
Ryan

Without objection, select committee report was adopted.

MESSAGES FROM THE OTHER HOUSE

Senate joint resolutions concurred in and returned to the Senate: 4/25/2019

SJ 20, introduced by J. Welborn
SJ 24, introduced by D. Brown
SJ 28, introduced by D. Sands
SJ 30, introduced by J. Cohenour
SJ 32, introduced by K. Bogner

Senate joint resolutions not concurred in and returned to the Senate: 4/24/2019

SJ 21, introduced by J. Ellis
SJ 29, introduced by D. Brown

Senate joint resolutions not concurred in and returned to the Senate: 4/25/2019

SJ 22, introduced by D. Brown

Conference Committee Report No.1 adopted: 4/25/2019

SB 32, introduced by J. Sesso
SB 346, introduced by S. Fitzpatrick
HB 433, introduced by F. Moore

Senate amendments to House bill concurred in: 4/25/2019

HB 8, introduced by J. Keane

Senate amendments to House joint resolution concurred in: 4/25/2019

HJ 35, introduced by A. Redfield

House joint resolution passed and transmitted to the Senate for concurrence: 4/25/2019

HJ 66, introduced by F. Moore

This resolution is being transmitted after the deadline for interim study resolutions and requires a 2/3 vote for the resolution to be considered by the receiving house.

MOTIONS

Majority Leader Thomas moved to place **HB 670** on the next second reading. Without objection, so ordered.

Senator Bennett moved **HB 536** be taken from the State Administration Committee and that **HB 536** be placed on second reading this date. Motion **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 25

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 25

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 48 - Senator Fielder moved **SR 48** be adopted.

SR 48 - Senator Ellsworth moved **SR 48**, second reading copy, be amended as follows:

1. Title, line 5.
Strike: "APPOINTMENTS"
Insert: "APPOINTMENT"

2. Page 1, line 8.
Strike: "appointments"
Insert: "appointment"

3. Page 1, line 9.
Strike: "have"
Insert: "has"

4. Page 1, line 10.
Strike: "members"
Insert: "a member"

5. Page 1, line 11.
Strike: line 12

6. Page 1, line 16.
Strike: "appointments"
Insert: "appointment"

Amendment **failed** as follows:

Yeas: Bogner, Brown, Cuffe, Ellsworth, Fielder, Hinebauch, Hoven, Howard, Kary, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Webb.
Total 16

Nays: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn, Mr President.
Total 34

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 48 - Thereupon, the Senate reverted to the original motion of Senator Fielder which passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Flowers, Gillespie, Gross, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Kary, Osmundson, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 19

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 715 - **Free Conference Committee Report No. 1** - Senator Osmundson moved the Free Conference Committee report to **HB 715** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.
Total 40

Nays: Brown, Fielder, Hinebauch, Howard, Keenan, Olszewski, Pomnichowski, Regier, Vance, Mr President.
Total 10

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 670 - **Conference Committee Report No. 1** - Senator C. Smith moved the Conference Committee report to **HB 670** be adopted. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.
Total 19

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: Mr President.
Total 1

Paired: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

JUDICIARY (Regier, Chair): 4/25/2019
HJ 56, be concurred in.
HJ 57, be concurred in.
HJ 61, be concurred in.
HJ 62, be concurred in.

Without objection, committee reports were adopted

ANNOUNCEMENTS

Committee meetings were announced by committee chairs.

SPECIAL ORDERS OF THE DAY

President Pro Tempore Blasdel assumed the chair.

Majority Leader Thomas, Senator Barrett, and President Sales made their farewell remarks.

President Pro Tempore Blasdel presented farewell gifts to Majority Leader Thomas and President Sales. Senator Pomnichowski presented a farewell gift to Minority Leader Sesso.

Majority Leader Thomas moved that the Senate recess until 1:30 p.m. Senate recessed at 12:02 p.m.

Senate reconvened at 1:46 p.m., President Sales presiding.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 352**
Report No. 001, April 25, 2019

Mr. President and Mr. Speaker:
We, your Free Conference Committee met and considered **Senate Bill 352** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 352** (reference copy -- salmon) be amended as follows:

1. Page 1, line 6.
Following: "~~FUNDS;~~"
Strike: "PROVIDING LEGISLATIVE INTENT; PROVIDING APPROPRIATIONS;"
Insert: "TRANSFERRING FUNDS; PROVIDING COORDINATION INSTRUCTIONS FOR A GENERAL FUND TRANSFER TO THE STATEWIDE PUBLIC SAFETY COMMUNICATIONS SYSTEM ACCOUNT AND AN APPROPRIATION IN THE GENERAL APPROPRIATIONS ACT; PROVIDING COORDINATION INSTRUCTIONS REMOVING RESIDENT MOTOR VEHICLE REGISTRATION FEES FROM AQUATIC INVASIVE SPECIES FUNDING AND AN APPROPRIATION IN THE GENERAL APPROPRIATIONS ACT;"

2. Page 1, line 14 through page 9, line 19.
Strike: section 1 through section 29 in their entirety
Insert: "NEW SECTION. **Section 1. Transfer of funds.** By August 15, 2019, the state treasurer shall transfer $100 from the general fund to the state special revenue fund established in 1-11-301."
Insert: "COORDINATION SECTION. **Section 2. Coordination instruction.** If [this act], [House Bill No. 2], and [House Bill No. 694] are passed and approved, then:

(1) Section 44-4-1607, MCA, must be amended as follows:

"44-4-1607. Statewide public safety communications system account. (1) There is an account in the state special revenue fund established in 17-2-102 to be known as the statewide public safety communications system account.

(2) There must be deposited in the account:

(a) money received from legislative allocations and general fund transfers;

(b) a transfer of money from a state or local agency for the purposes of this part;

(c) rates, charges, or fees collected by the department in accordance with 44-4-1606(3)(h);

(d) funds accepted in accordance with 44-4-1606(3)(i) and (3)(j); and

(e) a gift, donation, grant, legacy, bequest, or devise made for the purposes of this part.

(3) There is an account in the federal special revenue fund established in 17-2-102 to be known as the statewide public safety communications system account. There must be deposited in the account money received from the federal government for the purposes of this part.

(4) For each fiscal year beginning July 1, 2019, and ending June 30, 2029, there is transferred $3.75 million from the state general fund to the state special revenue account provided for in this section.

~~(4)~~(5) Funds in either account created in this section must be used by the department for the purposes of this part."; and

(2) [House Bill No. 2] is amended to include a new section that reads:

"NEW SECTION. **Section 13. Appropriations.** There is appropriated $3,750,000 to the department of justice from the state special revenue account provided for in 44-4-1607 for each fiscal year beginning July 1, 2019, and ending June 30, 2021, for the purpose of upgrading and maintaining the existing public safety radio system infrastructure for the benefit of all law enforcement agencies statewide. It is the intent of legislature that this appropriation be included in the base budget for the 2023 biennium.""

Insert: "COORDINATION SECTION. **Section 3. Coordination instruction.** If [this act], [House Bill No. 2], [House Bill No. 411], and [House Bill No. 694] are passed and approved, then: (1) [section 4 of House Bill No. 411], amending 61-3-321, is void and the references to 61-3-321 in [sections 6 and 7 of House Bill No. 411], amending 80-7-1004, are stricken; and

(2) [House Bill No. 2] is amended to include a new section that reads:

"NEW SECTION. **Section 14. Appropriations.** There is appropriated from the general fund to the department of fish, wildlife, and parks $283,620 in the fiscal year beginning July 1, 2019, and $398,625 in the fiscal year beginning July 1, 2020, to supplement aquatic invasive species prevention programs.""

Renumber: subsequent section

For the Senate:	For the House:
Thomas, Chair	M. Regier, Vice Chair
Osmundson	Ballance
Sesso	Lynch

Without objection, the select committee report was adopted.

MOTIONS

Majority Leader Thomas moved that **SB 352** and **HB 694** be placed on second reading this date. Without objection, so ordered.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Olszewski excused at this time.

HJ 56 - Senator Bennett moved **HJ 56** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 25

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

HJ 57 - Senator Gross moved **HJ 57** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber.
Total 25

Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie,

Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier, Salomon, Smith C, Tempel, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

HJ 61 - Senator Fielder moved **HJ 61** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Bennett, Cohenour, Ellis, Esp, Fielder, Fitzpatrick, Flowers, Gross, Hoven, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 24

Nays: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Gauthier, Gillespie, Hinebauch, Howard, Jacobson, Kary, Osmundson, Phillips, Pomnichowski, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 25

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

HJ 61 - Majority Leader Thomas moved **HJ 61** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Flowers, Gauthier, Gillespie, Hinebauch, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.
Total 38

Nays: Barrett, Bennett, Cohenour, Ellis, Fitzpatrick, Gross, Hoven, Keenan, McNally, Smith F, Vuckovich.
Total 11

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

HJ 62 - Senator Esp moved **HJ 62** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Hoven, Jacobson, Kary, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Mr President.
Total 33

Nays: Blasdel, Bogner, Cuffe, Ellis, Gauthier, Gillespie, Gross, Hinebauch, Howard, Lang, Osmundson, Salomon, Smith C, Tempel, Vance, Welborn.
Total 16

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

SB 352 - **Conference Committee Report No. 1** - Majority Leader Thomas moved the Conference Committee report to **SB 352** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.
Total 35

Nays: Bogner, Brown, Hinebauch, Hoven, Howard, Kary, Keenan, Pomnichowski, Regier, Richmond, Smith C, Vance, Webb, Mr President.
Total 14

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

HB 694 - Senator Jacobson moved **HB 694** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Regier, Smith C, Thomas, Vance, Webb, Mr President.
Total 18

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.
Total 45

Nays: Boland, Brown, McClafferty, Pomnichowski.
Total 4

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJ 32 concurred in as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 28

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Hinebauch, Howard, Kary, Keenan, Lang, Osmundson, Regier, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 21

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

HJ 48 concurred in as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webb, Webber.
Total 41

Nays: Ankney, Cuffe, Gross, Osmundson, Smith C, Tempel, Welborn, Mr President.
Total 8

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

HJ 50 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber.
Total 38

Nays: Blasdel, Bogner, Cuffe, Ellsworth, Fielder, Osmundson, Smith C, Tempel, Vance, Welborn, Mr President.
Total 11

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

SB 247, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gillespie, Gross, Hinebauch, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn, Mr President.
Total 34

Nays: Bogner, Brown, Cuffe, Esp, Gauthier, Hoven, Howard, Kary, Keenan, Osmundson, Smith C, Tempel, Thomas, Vance, Webb.
Total 15

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

HB 715, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Salomon, Sesso, Small, Smith F, Thomas, Vuckovich, Webber.
Total 26

Nays: Ankney, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Hinebauch, Howard, Kary, Keenan, Lang, Pomnichowski, Regier, Richmond, Sands, Smith C, Tempel, Vance, Webb, Welborn, Mr President.
Total 23

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

HB 670, **Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McConnell, Osmundson, Phillips, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.
Total 32

Nays: Bennett, Boland, Brown, Cohenour, Cuffe, Ellsworth, Esp, Hinebauch, MacDonald, McClafferty, McNally, Pomnichowski, Regier, Sesso, Vance, Welborn, Mr President.
Total 17

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

HJ 56, concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 25

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fitzpatrick, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 24

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

HJ 57, **failed** as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Fielder, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber.
Total 24

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.
Total 25

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

HJ 62, **failed** as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Fielder, Fitzpatrick, Flowers, Gauthier, Kary, Keenan, Lang, McClafferty, McConnell, McNally, Phillips, Regier, Richmond, Small, Smith F, Webb, Mr President.
Total 21

Nays: Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, MacDonald, Malek, Osmundson, Pomnichowski, Salomon, Sands, Sesso, Smith C, Tempel, Thomas, Vance, Vuckovich, Webber, Welborn.
Total 28

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

SB 352, **Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webber.
Total 31

Nays: Bogner, Brown, Cuffe, Fielder, Hinebauch, Hoven, Howard, Kary, Keenan, Pomnichowski, Regier, Richmond, Smith C, Tempel, Vance, Webb, Welborn, Mr President.
Total 18

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

HB 694 concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber.
Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Howard, Kary, Keenan, Lang, Regier, Salomon, Smith C, Thomas, Vance, Webb, Welborn, Mr President.
Total 21

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

April 25, 2019

The Honorable Scott Sales
President, Montana State Senate
Capitol Station
Helena, MT 59620

By Hand Delivery

Dear President Sales:

I withdraw the following nomination:

Mr. Jim Molloy to the Montana State Fund (submitted January 10, 2019).

Sincerely,

STEVE BULLOCK
Governor

SPECIAL ORDERS OF THE DAY

Minority Leader Sesso gave his farewell remarks.

MOTIONS

Majority Leader Thomas moved to propose amendments to the Joint Rules Committee, as allowed under **Joint Rule 60-10**, to provide for a tie breaker in interim committee meetings.

Senator Sesso made a **substitute motion** that the Senate adjourn sine die. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gillespie, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Regier, Sands, Sesso, Smith F, Tempel, Vuckovich, Webb, Webber.
Total 25

Nays: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Osmundson, Richmond, Salomon, Small, Smith C, Thomas, Vance, Welborn, Mr President.

Total 24

Paired: None.

Excused: Olszewski.
Total 1

Absent or not voting: None.
Total 0

Senate **adjourned Sine Die** at 2:41 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate